

CAMBRIDGE LICENSE COMMISSION HEARING

CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION HEARING

LICENSE COMMISSION BOARD MEMBERS:

ACTING CHAIR ARTHUR GOLDBERG

POLICE COMMISSIONER ROBERT C. HAAS

FIRE CHIEF GERALD R. REARDON

STAFF: EXECUTIVE DIRECTOR ELIZABETH Y. LINT

AT: Michael J. Lombardi Building
Basement Conference Room
831 Massachusetts Avenue
Cambridge, Massachusetts 02139

DATE: Tuesday, December 16, 2015

TIME: 6:08 p.m.

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P R O C E E D I N G S

December 15, 2015

ACTING CHAIR ARTHUR GOLDBERG: We'll get underway. This meeting is being recorded by audio and visual means.

EXECUTIVE DIRECTOR ELIZABETH LINT: If anyone has a cell phone on, we would appreciate it if you turned it off. And the backdoor needs to remain open at all times.

License Commission General Hearing
Tuesday, December 15, 2015. It is 6:08 p.m.
we're in the Michael J. Lombardi Building, 831
Mass Ave, Basement Conference Room.

Before you are the Commissioners: Chair Arthur Goldberg, Chief Gerald Reardon and Commissioner Robert Haas.

And we're going to go a bit out of order this evening. The first matter is on the last page.

**APPLICATION:
DAN CLAPP D/B/A 1645 MEADERY**

Application: Dan Clapp doing business as 1634 Meadery, holder of a state approved Farmer Winery License, has applied to operate at the Cambridge Winter Farmers Market at 5 Callender Street.

They have all their paperwork, they have been doing this for the past three or four years. I advised them that they did not need to appear and everything is as it should be.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Any discussion?

FIRE CHIEF GERALD REARDON: No questions.

POLICE COMMISSIONER ROBERT HAAS: No questions.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a motion?

FIRE CHIEF GERALD REARDON: We need

public comment?

ACTING CHAIR ARTHUR GOLDBERG: Okay. I'm sorry. Any member of the public here to speak on this matter?

None.

Motion?

FIRE CHIEF GERALD REARDON: I make a motion to approve Dan Clapp doing business as 1634 Meadery for the Farmers Market license at 5 Callender Street.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

FIRE CHIEF GERALD REARDON: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

That's approved; three to nothing.

**APPLICATION:
BBC CATERING, INC.
D/B/A BOSTON BURGER COMPANY**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Bottom of Page 2. Application: BBC Catering, Inc. d/b/a Boston Burger Company, has applied to operate a Mobile Food Truck at 150 Cambridgepark Drive on Thursdays from 11:00 a.m. to 2:30 p.m. and 32-34-36 Cambridgepark Drive on Tuesdays from 11:00 a.m. to 2:00 p.m.

PAUL MALVONE: Paul Malvone, I'm one of the owners of Boston Burger Company.

THE REPORTER: Paul, you have to spell your first and last name.

PAUL MALVONE: Oh, I'm sorry. P-A-U-L, M-A-L-V-O-N-E.

ACTING CHAIR ARTHUR GOLDBERG: Could you state briefly what you're here for?

PAUL MALVONE: We're here today to apply for a license to operate at 150 Cambridgepark Drive our food truck as well as 32-34 Cambridgepark Drive in Cambridge.

ACTING CHAIR ARTHUR GOLDBERG: And you have approvals from both owners of those properties?

PAUL MALVONE: Yes.

EXECUTIVE DIRECTOR ELIZABETH LINT: We do have those.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Could you describe the operation a little bit, how you prepare the food?

PAUL MALVONE: We have a commissary kitchen in Woburn that we're licensed through Woburn to operate as a caterer.

We also have a full functional food truck that we have been operating in Boston, Waltham, many of venues around the state, mostly on day permits around the state. We've operated in Cambridge as well through day permits.

The food is prepared fully on the truck, full-service kitchen basically, better kitchens

than I have in the restaurants. It's been inspected by the Fire Department as well. We've never had a problem so far.

FIRE CHIEF GERALD REARDON: Do you use several trucks in the business or you just have the one?

PAUL MALVONE: We just have the one truck, yes.

POLICE COMMISSIONER ROBERT HAAS: How long have you been in business?

PAUL MALVONE: We started six and a half years ago.

ACTING CHAIR ARTHUR GOLDBERG: What sort of food do you serve?

PAUL MALVONE: Hamburgers. Predominantly hamburgers. We do serve some chicken sandwiches, fries, fried foods, salads, drinks.

ACTING CHAIR ARTHUR GOLDBERG: Is any member of the public here to speak on this

matter?

None.

Further questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

FIRE CHIEF GERALD REARDON: So you're associated with the Boston Burger Restaurant chain as well?

PAUL MALVONE: Yes.

FIRE CHIEF GERALD REARDON: No further questions.

EXECUTIVE DIRECTOR ELIZABETH LINT: The backgrounds are fine, and they have sign-offs from fire and ISD also as well.

ACTING CHAIR ARTHUR GOLDBERG: Motion?

FIRE CHIEF GERALD REARDON: Make a motion to approve BBC Catering d/b/a Boston Burger mobile food truck for both 150 Cambridgepark Drive and 32-34-36 Cambridgepark Drive and the

associated dates.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: You're approved.

PAUL MALVONE: Thank you.

**APPLICATION:
PEET'S OPERATING COMPANY, INC.
D/B/A PEET'S COFFEE & TEA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Peet's Operating Company,
Incorporated doing business as Peet's Coffee &
Tea, Stephanie Gilbert, Manager, has applied for
a Common Victualer license to be exercised at 24
JFK Street. Said license, if granted, would
allow food and non-alcoholic beverages to be

sold, served, and consumed on said premises with a seating capacity of 27 inside and hours of operation will be 7:00 a.m. to 9:00 p.m. seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: Good evening.

ATTY DENNIS QUILTY: Good evening.
Dennis Quilty, I'm an attorney in Boston, McDermott, Quilty & Miller, and Stephanie Gilbert is to my far right and Samantha Stephen from Peet's to immediate right. Stephanie is the proposed manager of record.

ACTING CHAIR ARTHUR GOLDBERG: We need spellings for the stenographer.

ATTY DENNIS QUILTY: So Quilty,
Q-U-I-L-T-Y.

SAMANTHA STEPHEN: S-T-E-P-H-E-N,
Samantha.

STEPHANIE GILBERT: G-I-L-B-E-R-T,

Stephanie.

ATTY DENNIS QUILTY: May I?

ACTING CHAIR ARTHUR GOLDBERG: Yes.

ATTY DENNIS QUILTY: Thank you.

We're proposing to open and operate a Peet's Coffee in a presently vacant space just adjacent to the garage building on JFK Street. It's two sites, 24, 28. There was a jewelry store on one of them.

SAMANTHA STEPHEN: A shoe store and a vitamin store.

ATTY DENNIS QUILTY: A shoe store and a vitamin store that were there and are vacant now. It's a combined Peet's/CapitalOne, which was the bank operation with the Peet's Coffee Shop in the facility. And that portion of it has gone through the zoning process successfully for the use, and we then, of course, applied for the CV application for the Peet's operation, which is a

commissary based only for the food service.

There's no cooking on the premises.

Simple food items, like muffins and pastries and sandwiches are delivered on a daily basis, and the only product that's prepared on site is the coffee and tea, and you can also purchase coffee to go, bags of coffee, if you will, to go and coffee equipment and the like.

Hours of operation proposed to be 7:00 a.m. to 9:00 p.m., seven days a week. And there are 26 seats inside the establishment and no outdoor seating.

ACTING CHAIR ARTHUR GOLDBERG: 26 or 27?

ATTY DENNIS QUILTY: 27. I'm sorry. I'm corrected.

ACTING CHAIR ARTHUR GOLDBERG: So I am wondering if you could explain to me a little bit about the location because from the plan it looks like it's actually in the bank. So is there a

separate entrance just for the Peet's, or it's only for people who come into the bank?

SAMANTHA STEPHEN: It's a CapitalOne Bank and Peet's have kind've created a new baby so it is fused all into one. And we're living underneath the CapitalOne Cafe umbrella.

So it is basically a new form of banking. It's on-line banking. CapitalOne has all on-line banking. So picture it much like an Apple store concept, you can go in and it's all certified bankers and they have iPads. They can open up a checking account for you, a savings account, they can transfer money. And then while you're in there, there's free Wi/Fi and there's full Peet's Cafe within the inside.

ATTY DENNIS QUILTY: There are presently three of them on the Boston side. There's one on Tremont Street right at the Common, and there's another one in the South End, the new Ink Block

building that just opened up on Harrison Ave, and
Boylston Street in the Back Bay and Coolidge
Corner in Brookline.

When I get a cup of coffee, I don't do
any banking, but people can be on the laptop, go
in and open a checking account, pay some bills
and/or have the coffee products. It really works
together.

ACTING CHAIR ARTHUR GOLDBERG: I assume
there's not restricted access that any member of
the public, whether or not they're doing banking,
could go to Peet's.

ATTY DENNIS QUILTY: Absolutely, yep,
yes.

SAMANTHA STEPHEN: There's two ATMs
within the space as well because these locations
they don't -- the only difference between like a
traditional bank and these is that they don't
have a vault.

They have a high-yield ATM, so you can withdraw large amounts of money, you can deposit checks, you can deposit cash, and you can do all your banking transactions within these new high-tech ATM machines as well.

The only thing you can't get in the space is coin.

ACTING CHAIR ARTHUR GOLDBERG: What sort of food preparation facility will you have? You said --

SAMANTHA STEPHEN: It's the same as all of our other Peet's Coffee, just like our Harvard Square. So we have Lamarka Bakery. They deliver fresh to us everyday. We have Iggy's, which is our bread company that we use for bagels and bread, also delivered to us fresh every day. And then we use Jewel's Catering, which is an all women-based company, and they deliver us fresh sandwiches and salads everyday and they all have

licensed commissaries.

ACTING CHAIR ARTHUR GOLDBERG: But you will be preparing drinks?

SAMANTHA STEPHEN: Just drinks. Just brewing coffee.

ACTING CHAIR ARTHUR GOLDBERG: What equipment do you have for that?

SAMANTHA STEPHEN: A coffee brewer and a special machine.

ACTING CHAIR ARTHUR GOLDBERG: That's it in terms of equipment?

SAMANTHA STEPHEN: Yup. Then refrigerators for milk.

ACTING CHAIR ARTHUR GOLDBERG: You have refrigerators. Do you have a sink?

SAMANTHA STEPHEN: We have to have a full health inspection so we have to go by all of the normal Cambridge health codes, so a three-bay sink, a grease trap, all of the standards that

Cambridge would require that we fall under.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

FIRE CHIEF GERALD REARDON: And your sandwiches and all are refrigerated in a display case?

SAMANTHA STEPHEN: Yeah, we have a fresh display case in the front and then we have full refrigeration in the back as well in back of house.

FIRE CHIEF GERALD REARDON: How much retrofit are you going to need to do over there? Not that much?

SAMANTHA STEPHEN: The build-out. The space was renovated by CapitalOne. And then we -- our design team works with CapitalOne and we just kinda fused our cafe space within the footprint.

FIRE CHIEF GERALD REARDON: They take care of all your electrical requirements and

locations and everything knowing what your layout is going to be?

SAMANTHA STEPHEN: Correct. And we got the final building inspection already. That's already been completed.

ACTING CHAIR ARTHUR GOLDBERG: You will be the manager?

SAMANTHA STEPHEN: Stephanie is the manager.

ACTING CHAIR ARTHUR GOLDBERG: Stephanie is the manager.

Do you have experience managing at other Peet's or other restaurants?

STEPHANIE GILBERT: Other Peet's. I have been with Peet's for 14 years now, so, yeah. I have managed all of the Peet's in Boston area, so, yes.

And on the CapitalOne end, I helped open the first one, and Tremont the second one, and I

also train, so I do the retrofits for them. I do everything. I do everything basically.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Questions?

POLICE COMMISSIONER ROBERT HAAS: No questions.

FIRE CHIEF GERALD REARDON: No further questions.

ACTING CHAIR ARTHUR GOLDBERG: Is there any member of the public here to speak on this matter?

None.

ADRIAN LANSMAN: I would like to speak.

ACTING CHAIR ARTHUR GOLDBERG: Oh, please.

ADRIAN LANSMAN: So I think this is a fine idea --

THE COURT REPORTER: Chair, I need --

ACTING CHAIR ARTHUR GOLDBERG: I need a

name and a spelling of your name.

ADRIAN LANSMAN: Oh, so my name is Adrian Lansman (phonetic), Cambridge resident.

THE COURT REPORTER: You have to spell --

FIRE CHIEF GERALD REARDON: Get a little closer. It is being recorded, ma'am.

ADRIAN LANSMAN: Okay, I didn't mean to be so public.

ACTING CHAIR ARTHUR GOLDBERG: We're at a public meeting.

ADRIAN LANSMAN: Okay, I will just say something informal then. So I think it is a fine idea.

I came because this is an opportunity to get close to the people who are renting the space.

The adjacent space is rented to a store called Lush, L-U-S-H, and it sells strong perfume products that we can smell so strongly that the

odor took over the adjacent space on their other side, which is now AT&T, and before that it was Radio Shack, and you just couldn't breathe in there while it was Radio Shack, and even though AT&T completely renovated the space to fit with their uniform look, you still can't breathe in that space.

I want the managers or the people who are actually connected to the actual rental side of the premises to pay attention to that problem. And if your staff or customers raise that problem and say "It's awfully perfumed in here, I just can't breathe," if that problem extends to your side as well to the AT&T and side, take it seriously, and work with the owner that's generating the odor to do something about it. That's it.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

Anyone else to speak on this issue?

None.

Further questions?

POLICE COMMISSIONER ROBERT HAAS: No other questions.

FIRE CHIEF GERALD REARDON: No questions.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a motion?

FIRE CHIEF GERALD REARDON: I make a motion to approve the Peet's Operating d/b/a Peet's Coffee and Stephanie Gilbert, manager, at 24 JFK at the specified location for 27 seats.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: Second.

All in favor?

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

POLICE COMMISSIONER Robert Haas: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Three to nothing in favor.

You're all set.

SAMANTHA STEPHEN: Thank you for your
time tonight.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

**APPLICATION:
P.F. CHANG'S CHINA BISTRO, INC.**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: P.F. Chang's China Bistro, Inc.,
Tachung Chang, Manager, holder of an All Alcohol
Beverages Restaurant License at 100 Cambridge
Place has applied for a Change of Manager to
Andrew Matson.

ATTY ANDREW UPTON: Good evening,
Mr. Chairman, Chief, Chief. Andrew Upton
representing P.F. Chang's.

THE COURT REPORTER: Andrew, spell your
name.

ATTY ANDREW UPTON: U-P-T-O-N.

With me is the proposed manager of

record, Andrew, spelled the same way,
M-A-T-S-O-N.

Mr. Matson has just taken over P.F. Chang's, he's the operating partner and we would like him to be the manager of record on the liquor license.

He's worked for P.F. Chang's for several years, has good experience with the company, with the concept, with the sale and service -- supervision, sale and service of alcohol. He's TIPS trained and he's in the process of signing up for the 21 Proof program.

Other than that, there will be no change in the operation of the store. There's no change in anything but the manager. So the hours, the floor plan and menu, everything will stay the same. And he's glad to answer any questions about his experience.

ACTING CHAIR ARTHUR GOLDBERG: Could you

describe your experience a little bit?

ANDREW MATSON: I've worked for the company since 2009, August that year, in different facets. I came on as a server and became a bartender to pretty much running the bar without a managerial position, training duties.

ACTING CHAIR ARTHUR GOLDBERG: At that location?

ANDREW MATSON: At the location in downtown Boston, down by the common in the theater district. That's where I worked for over six years.

Until recently the new position for promotion, the company believes that a partner should take over different locations where they came up from. They brought me into Cambridge and took the previous operating partner to that location.

ACTING CHAIR ARTHUR GOLDBERG: Uh-huh.
Anything from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT:
Background is fine. All the paperwork is in
order.

FIRE CHIEF GERALD REARDON: You never had
a liquor license in your name previously?

ANDREW MATSON: Not in my name.

ACTING CHAIR ARTHUR GOLDBERG: Is there
any member of the public here to speak on this
issue?

None.

Any other questions?

FIRE CHIEF GERALD REARDON: I'm all set.

POLICE COMMISSIONER ROBERT HAAS: All
set.

ACTING CHAIR ARTHUR GOLDBERG: Do we have
a motion?

FIRE CHIEF GERALD REARDON: I make a

motion to approve P.F. Chang's China Bistro of
Cambridgepark Drive to change of manager to
Andrew Matson.

ACTING CHAIR ARTHUR GOLDBERG: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in
favor?

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Three to
nothing; you're approved.

ANDREW MATSON: Thank you very much.

**APPLICATION (CONTINUED):
ETHOS BUSINESS PARTNERS, INC.
D/B/A LE'S SUSHI BAR AND RESTAURANT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Continued from November 10 and
November 24, Ethos Business Partners, Inc., doing
business as Le's Sushi Bar and Restaurant, Huong

Le, Manager, has applied for a Common Victualer License to be exercised at 425 Cambridge Street.

Said license, if granted, would allow food and non-alcoholic beverages to be sold, served, and consumed on said premises with a seating capacity of 24.

The hours of operation will be 9:00 a.m. to 9:00 p.m. seven days per week.

ACTING CHAIR ARTHUR GOLDBERG: Is anyone here for this?

Are people in the hallway who might be here for this matter?

ATTY LESLEY ST. GERMAIN: Which matter?

ACTING CHAIR ARTHUR GOLDBERG: Le's Sushi Bar.

ATTY LESLEY ST. GERMAIN: I don't believe so, no.

ACTING CHAIR ARTHUR GOLDBERG: This will come off, I suppose.

EXECUTIVE DIRECTOR ELIZABETH LINT: We'll

find out what happened.

APPLICATION:

HYP, LLC D/B/A PAGU

Application: HYP, LLC, d/b/a Pagu, Tracy Chang, Manager, is applying to transfer the All Alcoholic Beverages Restaurant held by The Western Front, Inc., Geoffrey Gilmore, Manager, at 343 Western Avenue. Applicant is also applying for a Change of Location from 343 Western Avenue to 310 Massachusetts Avenue. Applicant is seeking hours of operation from 7:00 a.m. to 1:00 a.m. Sunday through Wednesday and 7:00 a.m. to 2:00 a.m. Thursday through Saturday with a seating capacity of 172 inside and 64 seasonal patio seats.

Applicant is also applying for an Entertainment License to include: Music playing below, at, or above conversation level and one

TV.

ACTING CHAIR ARTHUR GOLDBERG: Good evening.

ATTY JAMES RAFFERTY: Good evening, Mr. Chairman and Members of the Commission, for the record, my name is James Rafferty. I'm an attorney with offices at 675 Massachusetts Avenue in Cambridge.

I'm here this evening representing the applicant, HYP, LLC doing business as Pagu.

To my immediate left is Tracy Chang, C-H-A-N-G. Ms. Chang the principal of the LLC and the proposed manager of the establishment.

And seated to Ms. Chang's left is a gentleman who may hold the distinction as being the longest serving licensee in the City of Cambridge, Marvin Gilmore of Mount Vernon Street, began his career as a license holder at the corner of Western Ave and Harvard Street in the

Candlelight Lounge in the in the 1950s.

Probably even Chief Reardon wouldn't remember those days.

In 1968, Mr. Gilmore took over and acquired the Western Front at the corner of Putnam Avenue and Western Avenue, and for more than 45 years he operated a very eclectic, diverse nightclub in the heart of the Cambridgeport Riverside neighborhood.

Last year, Mr. Gilmore decided it was time to seek a career change, so he closed the Western Front and he went about trying to find an appropriate candidate to transfer this license to.

The Commission was good enough to grant inactive status to the license and it allowed Mr. Gilmore a chance to look around at opportunities. And what occurred here is that he eventually met Ms. Chang. Ms. Chang, seated

here, has acquired the rights to occupy the new building being constructed by Forest City at 300 Massachusetts Avenue.

It's right next to the corner of Blanche Street and Mass Ave, one block in front of the Star Market and the hotel.

And this is a project that is nearing completion, as expected, to be occupied as new headquarters for Takeda Oncology. So there was a lot of public attention focused on this site. There was some rezoning associated with it as well as special permits, and one of the key components that city planning agencies focused on was to create active ground floor uses at this location.

And in particular the corner of Blanche and Mass Ave was conceived as a place that would be very welcoming and inviting and have the opportunity to transform Blanche Street into more

of a shared street akin to Winthrop Street or Palmer Street in Harvard Square. And that's actually what's occurring as part of the development of the building.

And Ms. Chang competed with a number of other restaurateurs to occupy this space, and she succeeded in convincing Forest City that she had the right expertise and background and training to produce a very exciting opportunity and venture at this location.

Ms. Chang, herself, is a graduate of one of the areas most elite academic institutions, Boston College.

In addition, she has been working in the restaurant industry since she left college, but she has really distinguished herself in the last two years in the culinary world as a chef in some of the leading restaurants in Boston and has worked and trained in Europe as well. She brings

a high level of energy and enthusiasm to this project.

This stretch of Mass Ave, as I'm sure the Commissioners knows, has been somewhat undistinguished for the last two years. It was the stretch between Central Square and MIT.

But in the last few years, with the most recent opening of the Novartis campus this week with the completion of this building at 300 Mass Ave, with the other restaurant and uses along this stretch, this really has a great opportunity to transform the entire surrounding area.

So it's a great opportunity for the city and Ms. Chang to really introduce something really unique.

Her concept, she can share with you, involves essentially being open from 7:00 in the morning until well into the evening. She intends to operate as cafe, breakfast oriented in the

morning, serving lunch as well, and then the evening dining space.

The application calls for a capacity of 172 seats inside, and there's also outside seating on a patio that's totally enclosed on private property.

But the concept and thinking behind the restaurant itself is very focused on the innovation and technology uses that are in the area.

A lot of focus, if you look at the floor plan, on communal style tables where people can have collaborative spaces, opportunities for private dining, a high level of flexibility. Really a place that will be active throughout the life of the day. It's a section of the city that really mirrors a lot of neighborhoods in Cambridge.

It starts off somewhat quiet in the

morning, there's an arrival of workers and work force in University Park in the surrounding buildings. There's activity at that time.

The lunch demand exists in that area, and she'll be servicing that. And then the evening is when the most significant draw will occur.

Under the terms of her lease with Forest City, she has access, and her customer will have access, to the Harvard City Garage on Green Street, which is just behind the building, and she intends to explore opportunities to perhaps seek approval for a valet parking operation with the Traffic Department depending on how the demand exists.

But given its proximity to the hotel and the high level of foot traffic in the area, the expectation here is that the customer base itself will be local, regional and some as local as the

hotel next door, or the employees in the building above or across the street.

We have reached out to a number of our abutters and discussed this concept with them. We're not aware of any objections, and as I said, for Mr. Gilmore, it's particularly fitting. He asked -- he wanted to be here tonight because he feels strongly that seeing this license being transferred to a new generation, someone who embodies his entrepreneurial spirit, some 70 years after he began in the business, and he talked to me at length about, with all due respect, not wanting to see a chain or a national operator simply come in and get the license.

So there's been a -- I wouldn't call it a courtship, over the last few months as they have gotten to know each other, and understood their respective --

MARVIN GILMORE: I'm 91.

ATTY JAMES RAFFERTY: Mr. Gilmore, I just wanted to say a few words about Ms. Chang and why he selected her for this license.

Do you want to tell the Board?

MARVIN GILMORE: I'm proud to be here. I have tears to close the doors of the Western Front. It has been 50 years. She's a minority and a female at that, and she was -- as you know, I received the Legion Honor from France of World War II. I'm one of the three survivors still living today, and my new book just came out, you know, and I just wanted to be here to say to all of you, thank you for finding a new home for the Western Front, so to speak, and I am so proud to see a minority, a woman, to take over my license which has lived all these areas.

As I say, I'm just proud. I'm a little bit in tears because having, you know, served

this community, this City of Cambridge with the Fire Department, with the Police Department and the chairmen who have come and gone and still to be here at 91 years. It makes me feel very good about it and very proud to have a female because we don't have women of this quality to be in the city doing what she's doing.

I'm very proud of the legacy that is passing along to her. That's why I'm here today to say thank you and I'll work with you and the city because there's a lot of things you have to learn about that I had to learn when I first got started in the business. But, as you know, I'm still working even at 91 years.

ACTING CHAIR ARTHUR GOLDBERG: Thank you very much for coming.

MARVIN GILMORE: Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Did you have something else?

MARVIN GILMORE: No. I want to thank all of you for being here -- to be alive to be here in the city and thank you, police chief and, of course, the fire chief. They always looked out for me for 50. I survived all the city and all the rights on what you do. You do always the right thing. That's what they're here for, and so they helped me along the way. So thank you so much, Mr. Chairman.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

POLICE COMMISSIONER ROBERT HAAS: Thank you, Mr. Gilmore.

ACTING CHAIR ARTHUR GOLDBERG: Ms. Chang, did you have something you want to say, or could you speak a little about your experience?

TRACY CHANG: I grew up in the Boston area, and I studied at Boston College locally, studied finance and a bit of marketing.

But what I was always passionate about

was food and community building around food. I found a lot of my time was spent studying with friends, but always with food and drink and cheer and community. And so, I focused my studies, after college, training in Europe in kitchens and understanding really the meaning of hard work and physical labor, but also community building and learning languages and meeting people from around the world.

And when I came back to Boston, I wanted to continue doing that. I had a pop-up ramen concept which was focused on private events and public events and some catering, so I got to know the community of Cambridge and Boston, specifically, the university community, the tech community, the pharmaceutical community through these private and public events that we did.

And I realized that a bowl of noodles was what was bringing people together, but a bowl of

noodles and a curated food experience where you really bring together people from the community whether they're technologists or pharmaceuticals, or professors or students, everyone has to eat.

And so, the opportunity came up to bid for this space, this corner, which I think is the perfect location. It was the first location I looked at that finally felt right for this intersection of people and people coming from abroad.

And so my concept that I had been creating over the years, ever since I wrote in my 5th grade autobiography that I wanted to continue my grandmother's restaurant legacy, I could fulfill it in this space that is more than a restaurant, but it's a heart to bring together the community that is the Cambridge, immediate Cambridge, community, but also, you know, these visitors coming from Japan that work for Takeda,

or these, you know, MIT students from all over the world, or, you know, folks coming over from Harvard with whom I have done a lot of science and cooking programs with.

So, I thought this is the best opportunity, and this was what I have been working towards, and hearing Marvin's background and meeting him and being able to have this opportunity to be here today and present tonight in front of the Board is incredible, and I am just really excited about this project and having Forest City and Takeda to, you know, kinda build this dream for everyone in the community.

ACTING CHAIR ARTHUR GOLDBERG: Thanks.

Will this be your first restaurant?

TRACY CHANG: That I own and manage, yes.

ACTING CHAIR ARTHUR GOLDBERG: Have you managed a restaurant before?

TRACY CHANG: I have not been the owner

and manager before. My family used to, in the late '80s, they owned Tokyo Restaurant in Cambridge, the Fresh Pond area, and my grandmother had owned it. She was a Taiwanese immigrant who had owned it from '88 to 2000.

ACTING CHAIR ARTHUR GOLDBERG: And did you work there at some point?

TRACY CHANG: I made Shirley Temples. But since graduating, I have worked in several restaurants in Boston, as well as in Spain. So I worked with a three star Michelin chef by the name of Martin Berasategui in San Sebastian.

So he's a three-star chef in San Sebastian, Spain, and he carries the most Michelin stars in Spain, and I learned an incredible amount about business and management, and he exposed me to every facet of the business at that time. I'm very appreciative for it.

ACTING CHAIR ARTHUR GOLDBERG: Have you

managed an all alcohol license before?

TRACY CHANG: No. This is the first time.

ACTING CHAIR ARTHUR GOLDBERG: And have you done any training for managing an alcohol license, the TIPS training or 21 Proof?

TRACY CHANG: I have done the TIPS training before, yeah.

ATTY JAMES RAFFERTY: I explained to Ms. Chang her staff will have to go through the protocol, including herself, with the License Commission's training program and she would fully anticipate becoming an active member of CLAB and learning to really integrate her training into the City's best practices associated with observing and adhering to alcohol regulations.

ACTING CHAIR ARTHUR GOLDBERG: One question I have actually is the hours of alcohol service that you're looking for because I'm not

sure we have those. We did get a request. It's obviously not 7:00 a.m. I assume that you're looking for Sunday through Wednesday, and I guess all week you're looking at 7:00 a.m. for the hours of operation, but I assume for the alcohol service, it would be different. And we also, along those lines, had a request from a church in this address asking -- from the Union Baptist Church -- asking if no alcohol would be served until after 2:00 p.m. on Sunday at this location.

So we would just ask you whether that's something you would consider or not.

ATTY JAMES RAFFERTY: I am aware of the request, but it's not one we could comply with. I'm mindful of the church's location. It's not particularly proximate to the church, and there are several licensed establishments on that side of Massachusetts Avenue that are much more

proximate to the church.

It's a restaurant that will serve breakfast, and Sunday, in particular, is an active brunch period. So I think the Sunday hours of operation, I assume, would be -- the state statute allows for service to begin at 10:00 a.m. and I think we would want to be able to -- the hotel operates, the hotel behind us, Sidney's, operates at that time, the other licensed establishments across the street, frankly, would put Ms. Chang at a bit of a competitive disadvantage if she was not able to operate under similar hours.

POLICE COMMISSIONER ROBERT HAAS: And the rest of the week?

ATTY JAMES RAFFERTY: Well, the alcohol service is permitted 8:00 a.m.

POLICE COMMISSIONER ROBERT HAAS: You plan on serving alcohol at 8:00 a.m.?

ATTY JAMES RAFFERTY: I think that like most licensees that serve breakfast, there isn't particularly a high demand for it, but if someone were to place an order at that hour, I think the licensee would like the opportunity to serve that patron.

FIRE CHIEF GERALD REARDON: Basically you're looking for the allowable hours under the city and state regulations?

ATTY JAMES RAFFERTY: Correct. But I know we have had some discussion in the past about whether there will be an active morning use, and this is one restaurant that will.

It's very much an intention to begin operating at 7:00 a.m. so there will be, you know, 8:00, 9:00, 10:00 a.m. there will be patrons in the establishment.

If you had an opportunity to review the floor plan, the way the space is lined up, the

middle part of the space is seen more as a cafe, a cafe style and then, to the area closest to the patio would be more what might be considered a more formal dining room, so it almost has three components.

An area where you first come in, which it's a bit of lounge area, and a middle space, it's a cafe in the morning and will morph into lunch and continue on into dinner. And then the dining room which would be focused more on lunch and dinner.

FIRE CHIEF GERALD REARDON: So this, obviously, is a brand-new build-out and it's going to be a full kitchen operation?

ATTY JAMES RAFFERTY: Yes. In fact, and it was a building where this use was anticipated so it's engineered and all the HVAC and mechanical equipment has been designed or the space has been designed to accommodate what would

typically be required, everything from grease traps and drains to exhaust equipment and the like.

This was a very prominent feature and discussion about how to best activate the ground floor of the building.

As I said, the architecture at the corner of Blanche and Mass Ave was the subject of a lot of focus and attention by the Planning Board and the Community Development design staff in terms of trying to engage pedestrians and make it an inviting corner.

And as I said, Blanche Street today is dominated by loading docks, and it's not a particularly active pedestrian corridor.

As part of the Special Permit granted to Forest City for the building, they are re-doing, with the involvement of DPW and the Traffic Department, new paving, new -- they call them

curbless streets, which essentially a shared-street concept where the, as I said -- Winthrop Street is probably the best example.

I think the Traffic Department's thinking is it will still accommodate vehicles, it's one-way coming in from Mass Ave now, but there's even been discussion about as the character of the street changes whether further vehicle restrictions would be appropriate.

It does handle some loading for the building next door to it at 310 Mass Ave. That loading will go on, and the loading for this building will occur off that as well. But by midday that loading is generally concluded.

ACTING CHAIR ARTHUR GOLDBERG: Is any member of the public here to speak on this issue?

None.

Further questions?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

FIRE CHIEF GERALD REARDON: No further questions.

ACTING CHAIR ARTHUR GOLDBERG: Anything from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: Paperwork is order. Background is fine.

I have the abutter notifications and it's all good.

FIRE CHIEF GERALD REARDON: Just one other thing that, obviously, with the number of personnel, the crowd manager requirement is also necessary.

ATTY JAMES RAFFERTY: Uh-huh. I will review that with the applicant.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a motion?

FIRE CHIEF GERALD REARDON: I make a motion for HYP, LLC d/b/a Pagu, Tracy Chang,

manager, for the transfer of a license from 343 Western Avenue form Western Front to 310 Mass Ave for the hours as stipulated and the liquor hours as allowed by the Commission with the stipulations on 21 Proof and crowd manager.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: And with the seating and the entertainment license.

FIRE CHIEF GERALD REARDON: Yes. As stated in the application.

ACTING CHAIR ARTHUR GOLDBERG: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ATTY JAMES RAFFERTY: Thank you very much.

**APPLICATION:
AREA FOUR OPERATING, LLC
D/B/A AREA FOUR**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Area Four Operating, LLC doing business as Area Four, Michael Leviton, Manager, holder of an All Alcoholic Beverages Restaurant License at 500 Technology Square has applied for a Change of Manager to Joseph Barone, Jr.

ATTY LESLEY ST. GERMAIN: Good evening, Chairman, Members of the Commission, Lesley St. Germain, L-E-S-L-E-Y, S-T-period-G-E-R-M-A-I-N, with McDermott, Quilty & Miller.

JOSEPH BARONE: Joseph, J-O-S-E-P-H, B-A-R-O-N-E, Jr., Area Four.

ACTING CHAIR ARTHUR GOLDBERG: Welcome.

ATTY LESLEY ST. GERMAIN: Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Counsel?

ATTY LESLEY ST. GERMAIN: We're before you tonight, Chairman, to request the approval of

Joseph Barone, Jr., as the manager of record at Area Four, LLC, doing business as Area Four.

Mr. Barone has over 14 years experience in the alcoholic beverages industry, including experience as a manager of record at a previous Joe's American Bar & Grill location within the City of Boston.

He has been the chief operating officer of Area Four for the past year, and is very familiar with all of the operations of this establishment.

He is TIPS certified and is very well versed in all the rules and regulations of the Commonwealth of Massachusetts as well as here in the City of Cambridge.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

Mr. Barone, could you just describe your experience in a little more detail?

JOSEPH BARONE: I have been with Area

Four that was our two locations and now one for the past year.

Before that, I was with Lolita Cocina & Tequila Bar in Boston for four years.

Prior to that, I was a general manager at a few locations for Barcelona Wine Bar throughout Connecticut.

And before that was general manager at Joe's American Bar & Grill Waterfront where I was the manager of record.

I could go back to my server and other run-around days, but those are the management experience over the last 12 or so years.

ACTING CHAIR ARTHUR GOLDBERG: Okay. And I did notice in the application that I believe you said that you were going to be at this location plus or minus 20 hours per week because you have obligations at other locations?

JOSEPH BARONE: No. At the time we had

more than one location at Area Four, but we're down to the one.

ATTY LESLEY ST. GERMAIN: Mr. Barone is actually the pending manager of record on two related locations, one being the recently approved location by this Board here in Cambridge, and the second being in Boston, which we disclosed in our operation, which is, I believe, why you're referencing the 20 hours.

Given the proximity between the two Cambridge locations, and the fact that even with the third Boston location, it's not even a mile apart from all three, we're confident that Mr. Barone, given his involvement in the company, will be capable of managing all three.

JOSEPH BARONE: 20 hours sounds like a nice work week, but it will be much more than that in each location.

ACTING CHAIR ARTHUR GOLDBERG: Can you

estimate how many hours?

JOSEPH BARONE: I would say 40 plus at least.

ACTING CHAIR ARTHUR GOLDBERG: At this location?

JOSEPH BARONE: At all, I think we can safely say.

ACTING CHAIR ARTHUR GOLDBERG: That's a lot of hours.

JOSEPH BARONE: It's the life we have chosen as restaurant managers.

ACTING CHAIR ARTHUR GOLDBERG: Another question we have on this is about the owner.

Is Mr. Leviton still the owner of this Area Four?

ATTY LESLEY ST. GERMAIN: No. He no longer holds an interest in the license.

ACTING CHAIR ARTHUR GOLDBERG: So we would need a change of owner application then,

which we don't have before us for that.

Do you have any questions?

EXECUTIVE DIRECTOR ELIZABETH LINT: It was just that there needs to be a change of the LLC.

ATTY LESLEY ST. GERMAIN: We can certainly file that immediately.

EXECUTIVE DIRECTOR ELIZABETH LINT: But the background was fine, and the rest of the paperwork was fine as it relates to this particular application.

ACTING CHAIR ARTHUR GOLDBERG: Any questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: You were manager of record of a previous alcohol license in Boston?

JOSEPH BARONE: Yes.

FIRE CHIEF GERALD REARDON: No issues?

JOSEPH BARONE: No. Five years of nothing at all.

FIRE CHIEF GERALD REARDON: Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Is any member of the public here to speak on this issue?

None.

So do we have a motion?

FIRE CHIEF GERALD REARDON: I make a motion to approve Area Four Operating, LLC d/b/a Area Four, change of manager to Joseph Barone, Jr. at 500 Technology Square.

EXECUTIVE DIRECTOR ELIZABETH LINT: And 21 Proof.

FIRE CHIEF GERALD REARDON: 21 Proof training.

How many seats for this location?

JOSEPH BARONE: 133.

FIRE CHIEF GERALD REARDON: You're gonna

be a crowd manager as well?

JOSEPH BARONE: Okay. I may still be.

FIRE CHIEF GERALD REARDON: You could be, but just in case, for the record.

JOSEPH BARONE: I am nearly sure I am, but I may be.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a second on the motion?

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Three to nothing; you're approved. But we do need the change of owner.

ATTY LESLEY ST. GERMAIN: We'll follow-up with the change, yup, beneficial interest.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

JOSEPH BARONE: Thank you.

**APPLICATION:
FOUR SEASONS FOOD SERVICE, INC.
D/B/A KOREANA**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Four Seasons Food Service, Inc.
doing business as Koreana, Yeong Mo Sohn,
Manager, holder of an All Alcoholic Beverages
Restaurant License at 158 Prospect Street, has
applied for a Change of Officers/Directors and
Transfer of Stock.

ATTY JEFF LYNCH: Good evening. My name
is Attorney Jeff Lynch, L-Y-N-C-H and I'm with
Susan Chung, C-H-U-N-G.

This is an application for Four Seasons
Food Service, Inc., doing business as Koreana at
158 Prospect Street in Cambridge.

Ms. Chung, through an agreement with one

of the current shareholders, has purchased Patricia Boynton's 255 shares, which represents Ms. Boynton's entire interest in the company. And so, Ms. Chung will become a shareholder of the business. She will also assume Ms. Boynton's position as treasurer and director in the corporation.

Four Seasons Food Service, Inc. has owned Koreana for approximately one year.

There's no other change in the shareholder ownership. The other shareholder remains the same, that's an Oscar Enrique Amaya, who will continue to serve as the president, secretary and director and manager. Yeong Mo Shohn, who also serves as a director will remain the same.

There's no changes to the operation of the restaurant. We're simply seeking a change of the shareholder and the new officer and director

position.

Ms. Chung has an interest in a restaurant in Lenox, Massachusetts, and one currently in Pittsfield with another application as a shareholder/director in a second restaurant in Pittsfield, Massachusetts. Her husband is a chef and restaurant consultant, and has been in the business for well over 20 years.

Ms. Chung, herself, is TIPS certified and has been around her husband's restaurant businesses and activities for many years, probably over 20 years. She's also an attorney who is employed by the Worcester Housing Authority.

We're requesting your approval of those change in officer and director and also in the stock ownership of the company.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.
Was there anything you wanted to add?

SUSAN CHUNG: No. Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Anything from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. Background is fine. Paperwork is in order.

The only thing is there are some places on the application where "Koreana" was not spelled correctly.

ATTY JEFF LYNCH: That would be me.

EXECUTIVE DIRECTOR ELIZABETH LINT: If you can amend that.

ATTY JEFF LYNCH: Okay. I'll double check that. Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Is any member of the public here to speak on this matter?

None.

Questions from the Commissioners?

POLICE COMMISSIONER ROBERT HAAS: No

questions.

FIRE CHIEF GERALD REARDON: No questions.

ACTING CHAIR ARTHUR GOLDBERG: Do we have
a motion?

FIRE CHIEF GERALD REARDON: I make a
motion to approve Four Seasons Food Service,
Inc., d/b/a Koreana, Yeong Mo Sohn, manager at
158 Prospect Street for the change of officers
directors and transfer of stock as indicated.

ACTING CHAIR ARTHUR GOLDBERG: Second.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in
favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

**APPLICATION:
COLWAN MANAGEMENT, INC.
D/B/A FAIRFIELD INN & SUITES**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Colwen Management, Inc. doing business as Fairfield Inn & Suites Cambridge, Peter Hewes, Manager, holder of an All Alcoholic Beverages Hotel License at 209 Monsignor O'Brien Highway, has applied for a Change of Officers/Directors and Transfer of Stock.

ATTY LESLEY ST. GERMAIN: Chairman and Members of the Commission, Lesley St. Germain, L-E-S-L-E-Y, S-T-period-G-E-R-M-A-I-N, representing Colwen Management, Inc., doing business as Fairfield Inn & Suites by Marriott.

This is an administrative change. There has been a buyback of shares by the licensee entity and the addition and removal of several officers and directors.

The shares are now being held one hundred percent by an officer/director who was previously approved by the ABCC. There will be no operational changes resulting from this

application.

ACTING CHAIR ARTHUR GOLDBERG: Any member of the public here to speak on this matter?

None.

Questions from Commissioners?

FIRE CHIEF GERALD REARDON: I have none.

POLICE COMMISSIONER ROBERT HAAS: This is just impacting this one hotel, or is it a chain hotel it's impacting?

ATTY LESLEY ST. GERMAIN: It's impacting multiple hotels.

ACTING CHAIR ARTHUR GOLDBERG: But is it only impacting one hotel in Cambridge?

ATTY LESLEY ST. GERMAIN: In Cambridge, yes.

ACTING CHAIR ARTHUR GOLDBERG: And my understanding is there's not actually a restaurant in the hotel. Do you know --

ATTY LESLEY ST. GERMAIN: I believe

there's a -- it includes an innholder's license.
I don't believe there's a restaurant in the hotel
but I'm not entirely sure.

EXECUTIVE DIRECTOR ELIZABETH LINT:

There's not a restaurant in there.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Anything else from the Executive Director on
this?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

Everything is fine.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Do
we have a motion?

FIRE CHIEF GERALD REARDON: I am going to
go for broke.

I make a motion to approve Colwen
Management d/b/a Fairfield Inn & Suites,
Cambridge, Peter Hewes, manager, holder of all
alcoholic beverages hotel license at 209
Monsignor O'Brien Highway for the change of

officers, directors and transfer of stock as indicated.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: You're approved.

ATTY LESLIE ST. GERMAIN: Thank you.

**APPLICATION:
PAUL REVERE TRANSPORTATION, LLC**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Paul Revere Transportation, LLC, holder of a Jitney Permit to operate shuttle busses on Cambridge streets, is applying to amend their service routes. A copy of the proposed route is available to review in the License

Commission.

RICHARD DALEY: Good evening,
Commissioners, gentlemen. My name is Richard
Daley, D-A-L-E-Y, general manager of Paul Revere
Transportation. This is Jeff Bennett.

JEFF BENNETT: Jeff Bennett, J-E-F-F,
B-E-N-N-E-T-T, I'm with Charles River
Transportation Management Association.

We're a nonprofit business association
here in Cambridge, and Paul Revere operates
the Easy Ride Shuttle Service for us under
contract.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

RICHARD DALEY: We have kind of a boring
story. We have run the service for eight years
now, and we have a minor route change that we
would like to implement that we feel would
make traffic impact less than what we're doing
now.

If you would like, we can go through the changes. It's just a small change on route -- it's infected with the Kendall Square loop where all the construction is.

JEFF BENNETT: Technology Square.

What we're seeking to do is move the route from operating in one direction on Broadway and Portland Streets going around Technology Square to running straight on Main Street from the Kendall Square area down to Portland, and then the other direction, it would avoid our shuttle buses passing up through Technology Square on their private driveway, and keep them on Albany and Main Streets between basically the Mass Ave corridor and the Kendall Square area.

The service operates every seven to ten minutes during the morning and evening rush hours so that puts a lot of bus traffic through those

narrow streets and driveways.

We'll be moving a couple stops, and we have been working with the Traffic, Parking and Transportation Department as well as Community Development to get those stops cited.

We have tentative approval from TP&T, and we're working out the final location details, and the TMA, as a collective association of businesses, we have worked with all of the businesses that are in the immediate area. Their employees and tenants are shuttle passengers and they're all in support of making this change.

So it will allow our buses to move faster through the area which makes them more attractive to area employees as a commuting option.

ACTING CHAIR ARTHUR GOLDBERG: You said you have tentative approval from Traffic, Parking

and Transportation?

JEFF BENNETT: We just have to work out a couple of -- we just have to do a test site visit with the boss, with one of their traffic engineers on the exact location of the stop on Main Street.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

EXECUTIVE DIRECTOR ELIZABETH LINT: I thought we had received approval.

JEFF BENNETT: They signed off on the route change, and we just have been trying to get it scheduled with their traffic engineer.

ACTING CHAIR ARTHUR GOLDBERG: I was going to say I thought we had an approval memo from Traffic Parking and Transportation to approve the change.

JEFF BENNETT: Yes, they did.

ACTING CHAIR ARTHUR GOLDBERG: Were you going to say anything further, Mr. Bennett?

JEFF BENNETT: I was going to explain the route.

ACTING CHAIR ARTHUR GOLDBERG: Briefly.

JEFF BENNETT: It runs from North Station in Boston through Lechmere into Kendall Square and then out into Cambridgeport.

And Paul Revere has been running the service since 2008.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Are any members of the public here to speak on this?

None.

Questions from the Commissioners?

FIRE CHIEF GERALD REARDON: Obviously, the businesses in Tech Square themselves are probably the biggest ones impacted and I take it they're good with this?

JEFF BENNETT: Yeah. Over the years Tech Square has sort've reoriented their campus

towards Main Street.

And also over the years, our buses have started to operate more frequently given the amount of patronage on them. And so they have been supportive of this realignment. It will make their traffic operations particularly on their driveway, that goes from Main to Broadway, easier inside their campus.

FIRE CHIEF GERALD REARDON: I would concur.

POLICE COMMISSIONER ROBERT HAAS: No questions.

ACTING CHAIR ARTHUR GOLDBERG: Okay. What we do, you know, this is one step in the process. The recommendation from here would go to the City Manager, to go through City Council for a final approval.

JEFF BENNETT: Yes.

ACTING CHAIR ARTHUR GOLDBERG: Do we have

a motion?

FIRE CHIEF GERALD REARDON: I make a motion to approve the Paul Revere Transportation, LLC, jitney permit to change its route as amended.

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

**APPLICATION:
RJ HEART, LLC
D/B/A MAMALEH'S DELICATESSEN**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: RJ Heart, LLC doing business as Mamaleh's Delicatessen, Alon Munzer, Manager, has applied for a new All Alcoholic Beverages Restaurant License at One Kendall Square, B300,

with proposed hours of 10:00 a.m. to 10:00 p.m., seven days per week, and a seating capacity of 114 inside and 46 seasonal patio seats on public property (32 seats must come from the inside capacity).

Applicant is also applying for an Entertainment License to include: Comedy Shows; Radio; Music playing below conversation level.

ATTY DAVID LIPSHUTZ: Good evening. My name is David Lipshutz, L-I-P-S-H-U-T-Z. My firm is Seegel, Lipshutz & Low in Wellesley.

I have the pleasure of representing RJ Heart d/b/a Mamaleh's Delicatessen who is acquiring certain assets of West Bridge, LLC, and looking to open up a Jewish style delicatessen at One Kendall Square in their current location. We're tentatively scheduled to close three days from approval of our license.

I have with me Rachel Miller Munzer, one

of the principals, as well as Alon Munzer, another principal and also a manager of record.

The hours of operation of the establishment are 10:00 a.m. to 10:00 p.m. predominately serving breakfast, lunch and dinner, and they're looking for an all alcohol seven-day restaurant beverages license.

ACTING CHAIR ARTHUR GOLDBERG: Do you understand the issue on the seating that when you have outdoor seating, because of the cap in the area, that you have to have less seating indoors?

RACHEL MILLER MUNZER: We operate State Park Restaurant in One Kendall Square currently so we have the same situation.

ATTY DAVID LIPSHUTZ: They currently operate a location which is three doors down and one floor below in the same square.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

POLICE COMMISSIONER ROBERT HAAS: Say the restaurant again?

RACHEL MILLER MUNZER: State Park.

ACTING CHAIR ARTHUR GOLDBERG: Anything from the Executive Director on this?

EXECUTIVE DIRECTOR ELIZABETH LINT: Actually, yes, the application indicates that there's no percentage rent, but the lease indicates that there is.

ATTY DAVID LIPSHUTZ: There's an amendment to that lease that deleted the percentage rent as to alcoholic beverages.

EXECUTIVE DIRECTOR ELIZABETH LINT: Do we have that?

ATTY DAVID LIPSHUTZ: I do. I believe you have that. I believe it's the first amendment to the lease.

RACHEL MILLER MUNZER: Page 70-something.

EXECUTIVE DIRECTOR ELIZABETH LINT: Good.

Yes. And I do have letters in support. Councilor Toomey writes to lend support to the application. "The applicants are well-known operators in Cambridge, have conducted business here for many years. They have been successful and responsible business owners and have been involved in the community. It's encouraging to see small businesses thrive in Cambridge and continue to expand within our own borders. I hope to see the new operation become as successful as their other endeavors."

And there's also a letter of support from the East Cambridge Business Association to lend their support for the application. "The owners have operated in Cambridge for a number of years and have established a good reputation in the community, and they hope you find them favorable with the application."

ATTY DAVID LIPSHUTZ: I have great

clients.

FIRE CHIEF GERALD REARDON: This is a --
is this a new build-out?

ALON MUNZER: It's currently operating as
West Bridge Restaurant. We're talking over that
space.

FIRE CHIEF GERALD REARDON: Do you expect
much in the way of renovation?

ALON MUNZER: Not much.

FIRE CHIEF GERALD REARDON: That has a
full service kitchen?

ALON MUNZER: It does.

FIRE CHIEF GERALD REARDON: That's the
ground level, correct?

ALON MUNZER: It's about half a level up
off the street. It's not in the plaza level,
it's the building slightly higher.

ACTING CHAIR ARTHUR GOLDBERG: You would
be the manager for the alcohol license?

ALON MUNZER: Correct.

ACTING CHAIR ARTHUR GOLDBERG: And could you talk about your experience?

ALON MUNZER: Sure. I have been a partner at the former Hungry Mother Restaurant which is located around the corner which we owned and operated, I was not the manager of record there, but we owned and operated that for over seven years, and we currently own State Park Restaurant which is, as David said, on the lower level in the same building, and I am the manager on record there currently. I will be on both, kinda upstairs from the other.

ACTING CHAIR ARTHUR GOLDBERG: Do those two restaurants both have alcohol licenses?

ALON MUNZER: They both have full. All three would have to have full.

POLICE COMMISSIONER ROBERT HAAS:
Including the West Bridge?

ALON MUNZER: West Bridge has full currently, yes.

ACTING CHAIR ARTHUR GOLDBERG: Have you made any efforts to purchase an existing alcohol license?

ALON MUNZER: In the plaza, there are certain amount -- there's licenses, as far as I can tell, are designated to that plaza. There are certain amount. They're meant to transfer from one to the next, something along those lines.

EXECUTIVE DIRECTOR ELIZABETH LINT: Something along those lines. There's a set number of licenses allowed at that location.

They can't be transferred, but when one goes out, a new one can go in because that's what is allowed there. It's a capped space.

FIRE CHIEF GERALD REARDON: So Westgate

is not yours?

ALON MUNZER: Correct.

EXECUTIVE DIRECTOR ELIZABETH LINT: West
Bridge.

FIRE CHIEF GERALD REARDON: West Bridge,
rather. West Bridge is leaving?

ALON MUNZER: Correct.

As I understand, the license goes back to
the city, but they're kind of almost promised
that the space gets one back somewhere in the
plaza.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Assuming the ABCC blesses you.

ACTING CHAIR ARTHUR GOLDBERG: Right, and
we bless you.

ATTY DAVID LIPSHUTZ: That's correct.

You're not permitted to transfer the West
Bridge license.

FIRE CHIEF GERALD REARDON: That's

correct.

ACTING CHAIR ARTHUR GOLDBERG: You're also applying for an entertainment license. Could you describe the entertainment that you expect to have?

RACHEL MILLER MUNZER: I think, you know, potentially down the road maybe a comedy night or very low-key music, you know, small musical acts or things like that.

FIRE CHIEF GERALD REARDON: Obviously, this space is all deeded to you and leased with the permission of the owners, and the owners are aware of what you're applying for, so they have done the abutters so the people around you are aware of this in terms of the overall strategy for the location?

RACHEL MILLER MUNZER: Yeah. We have been operating in the plaza for two years and have a good relationship with the landlord, which

is nice.

And you may or may not know, but there's a lot of development going on in that plaza and there are existing restaurants there, and there are restaurants coming in, and, you know, conceptually, it's a good fit for the mix of what is going on within the neighborhood.

FIRE CHIEF GERALD REARDON: So now when you overtake the space other than cleaning and whatever, there's no major modifications?

RACHEL MILLER MUNZER: We're doing a small amount of construction. Just changing -- mostly just to change the feel of the place so it kind becomes our own, adding some deli cases and things like that.

FIRE CHIEF GERALD REARDON: No major mechanicals?

RACHEL MILLER MUNZER: No.

ATTY DAVID LIPSHUTZ: Part of the allure in the location is it's a recent build-out.

Almost three years?

RACHEL MILLER MUNZER: Three years.

FIRE CHIEF GERALD REARDON: You have to make sure all the safety stuff is back up to snuff after they leave, your hood and certifications and all.

RACHEL MILLER MUNZER: Oh, absolutely.

ACTING CHAIR ARTHUR GOLDBERG: Is there any member of the public here to speak on this matter?

POLICE COMMISSIONER ROBERT HAAS: When do you intend to serve alcohol, actually serve alcohol?

ALON MUNZER: The license is 10 to 10 and we aim to offer it the whole time we're open, lunch and dinner.

I don't see it -- we don't see the Jewish

deli as a high amount of drinking establishment.
Mostly food sales. But much like the other
applicant earlier, we would like to have it
available.

POLICE COMMISSIONER ROBERT HAAS: Are you
going to serve it or do you want to just have it
available?

ALON MUNZER: We would love to serve it.
We make money from it, but as much as it's asked
for.

ACTING CHAIR ARTHUR GOLDBERG: Okay. Any
further questions?

POLICE COMMISSIONER ROBERT HAAS: No.

FIRE CHIEF GERALD REARDON: No further
questions.

ACTING CHAIR ARTHUR GOLDBERG: Motion?

FIRE CHIEF GERALD REARDON: Make a motion
to approve RJ Heart, LLC doing business as
Mamaleh's Delicatessen, Alon Munzer, manager, at

Kendall Square, Building 300 at the proposed hours from 10:00 a.m. to 10:00 p.m., seven days a week. 114 seats inside and 46 seasonal patio seats on public property. 32 seats must come from inside capacity.

Also applying for entertainment license to include comedy shows, radio, music playing below conversation level.

Obviously, they need 21 Proof and also crowd manager would apply to your other location as well.

RACHEL MILLER MUNZER: May I ask a question?

FIRE CHIEF GERALD REARDON: Sure.

RACHEL MILLER MUNZER: Is the patio on public or private property?

FIRE CHIEF GERALD REARDON: I was going ask that question myself. It should be all private.

ACTING CHAIR ARTHUR GOLDBERG: You tell us. Is it on private property?

ATTY DAVID LIPSHUTZ: I believe it's private.

ALON MUNZER: Just the sidewalk, what we were told from the landlord, the sidewalk is public and we're on the opposite side.

FIRE CHIEF GERALD REARDON: You're inside.

ACTING CHAIR ARTHUR GOLDBERG: So you're not planning to have seating on the sidewalk?

ALON MUNZER: No, it's all in private space.

FIRE CHIEF GERALD REARDON: I will amend that to private property for the outdoor seating.

ACTING CHAIR ARTHUR GOLDBERG: Is there a second?

RACHEL MILLER MUNZER: While we're asking questions, can we throw a couple televisions on there? Is that a big deal?

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's not a big deal. That can be approved over the counter.

RACHEL MILLER MUNZER: It can be.

ACTING CHAIR ARTHUR GOLDBERG: So two TVs.

RACHEL MILLER MUNZER: How about three?
By "a couple," I meant a few.

ALON MUNZER: Three would be great.

FIRE CHIEF GERALD REARDON: "A couple" is two for future reference.

ACTING CHAIR ARTHUR GOLDBERG: Three TVs and presumably those are at or below conversation level?

RACHEL MILLER MUNZER: Absolutely.

ACTING CHAIR ARTHUR GOLDBERG: Does your

motion stand with that?

FIRE CHIEF GERALD REARDON: Do you want to put that in the amendment or do you just want it over-the-counter?

RACHEL MILLER MUNZER: We can come back to do it.

FIRE CHIEF GERALD REARDON: Two to three TVs at playing at or below conversation level.

EXECUTIVE DIRECTOR ELIZABETH LINT: TVs don't have to be. It's the music that's --

FIRE CHIEF GERALD REARDON: I know.

ACTING CHAIR ARTHUR GOLDBERG: Do we have a second?

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

**APPLICATION:
HOT POT BOSTON 1, LLC
D/B/A HAPPY LAMB HOT POT**

EXECUTIVE DIRECTOR ELIZABETH LINT:

Application: Hot Pot Boston 1, LLC doing business as Happy Lamb Hot Pot, Michael Luk, Manager, has applied for a new Wine & Malt Restaurant License at 485 Massachusetts Avenue, with proposed hours of 10:30 a.m. to 11:45 p.m., seven days per week and a seating capacity of 134.

MICHAEL LUK: Hi, good evening. Thank you for having us.

ATTY MATT FOGELMAN: Good evening. Thank you for having us, Chairman, Chief, Commissioner. Good evening.

Matt Fogelman, F-O-G-E-L-M-A-N. And I'm an attorney with an office in Newton. I have been before the Commission several times.

To my left is Michael Luk, L-U-K, and

Will Cheung, C-H-E-U-N-G.

May I?

ACTING CHAIR ARTHUR GOLDBERG: Yes,
please.

ATTY MATT FOGELMAN: Thank you, Chairman.

So this is a neat concept. Something
that I think would be new in the City of
Cambridge.

It's Mongolian style, Mongolian food.
The concept is that it's cooked at the table in
hot pots with very high-tech tables where the
food is literally cooked on the table. Similar
to a fondue idea conceptually.

I'm not a scientist, these guys can speak
more to the safety aspects of it, but the
top-of-the-line tables with the equipment,
there's no danger of fire or burning or anything.

And, again, these guys can speak more to
that or the Chief may already know about this.

FIRE CHIEF GERALD REARDON: Is this induction cooking?

MICHAEL LUC: Yes.

ATTY MATT FOGELMAN: Thank you for that term.

Michael is a small business owner. He's presently involved in a couple restaurants in the West Coast, California, and recently opened one in New York that Will is helping to run. Will is Michael's first cousin. It's a, you know, family-run business.

This is a big deal for Michael to come to Massachusetts. This would be his first foray into Massachusetts. They're building out the space at Mass Ave at 485. It's basically across the street from the Middle East and the place next to the Middle East, I forget the name; sorry.

MICHAEL LUC: Right beside it is

McDonald.

ATTY MATT FOGELMAN: Yeah. McDonald's is to the left if you're coming up, and the Hi-Fi Pizza is across the street as well.

There was a prior license at this location a number of years ago. I believe it was Yoki Sushi. So, in terms of a precedent of having a license at that location, the Board would not be setting a new precedent as far as that location goes.

I do want to emphasize this is not a heavy drinking establishment. I heard a couple other folks say that tonight. The same holds true for us. There's no bar per se. You cannot go up to a bar and order a drink.

You can get a drink at the table with your meal. It's a very family-friendly atmosphere. The sales are relatively low in terms of alcohol, but I heard again one of the

other applicants say, and the same holds true for Michael at his other establishments, that is part of, you know, what is offered, it's part of the concept, if you will, even though it's a small percentage of overall sales.

Hours of operation are 10:30 a.m. to 11:45 p.m., but, and again, I think the Board will appreciate this, last call for seating is at about 10:30 p.m.

So if you come in after 10:30, the restaurant is open, but you're not going to really get seated. 11:45 is not last person in. 11:45 is basically doors closing. If someone is lingering and finishing a meal, fine. But the idea is that after 10:30 you're not getting seated.

So in terms of late hours, in terms of the Board's concern about drinking, with no bar, with no bar, and with last seating at 10:30, you

just don't have the concern, or you shouldn't have the concern, like some of the other establishments that are open until 12:00, 1:00, 2:00.

POLICE COMMISSIONER ROBERT HAAS: How did they pick 11:45?

MICHAEL LUC: That's the lumber (sic) average from all other store we own.

POLICE COMMISSIONER ROBERT HAAS: Say it again.

MICHAEL LUC: That's the lumber (sic) average from all other store we own around what time our customer left, a range.

POLICE COMMISSIONER ROBERT HAAS: I have never seen it that precise before.

ATTY MATT FOGELMAN: Yeah, they were gonna go with 11:47, Commissioner. I advised 11:45. They find that after 10:30, people don't really come in, and the average meal is, you

know, they figure, about an hour or 15, maybe an hour and a half.

WILL CHEUNG: The concept does take time for you to actually enjoy your meal. You slowly cook the food in front of you. So we don't want to rush our customer out if they sit down already.

Generally, everything closes when the kitchen closes, so we don't see any customer after 10:30.

ATTY MATT FOGELMAN: Michael has had no prior discipline at any of his locations.

POLICE COMMISSIONER ROBERT HAAS: How many restaurants does he have now?

ATTY MATT FOGELMAN: Five, and potentially another one to open in California, which would be six, and Massachusetts would be seven total.

MICHAEL LUC: Total.

ATTY MATT FOGELMAN: Michael is planning to move to Massachusetts, to keep his West Coast -- a home in the West Coast as well, but to spend the majority of his time on the East Coast and the majority of the time in Boston and Cambridge to focus on this restaurant.

POLICE COMMISSIONER ROBERT HAAS: What would be his primary address?

ATTY MATT FOGELMAN: The one we listed in the papers, the Branard Road in Allston.

POLICE COMMISSIONER ROBERT HAAS: That's your primary residence?

MICHAEL LUC: Yes, since right now.

ATTY MATT FOGELMAN: Over the last couple months he migrated and is --

POLICE COMMISSIONER ROBERT HAAS: So how will that impact your other locations where you have primary residency outside of the state?

Is there the same kinds of rules that we have with respect to holding a liquor license with respect to primary residence?

MICHAEL LUC: No, I don't need it.

POLICE COMMISSIONER ROBERT HAAS: You don't need to live in those states in order to hold a license in those states?

MICHAEL LUC: You don't need to in California.

POLICE COMMISSIONER ROBERT HAAS: But here you have to.

MICHAEL LUC: I think so.

POLICE COMMISSIONER ROBERT HAAS: Make sure you know that.

MICHAEL LUC: Actually, last time when I come -- can I tell a little bit about why I come here to open the store?

ACTING CHAIR ARTHUR GOLDBERG: Yes.
Sure.

MICHAEL LUC: Two years ago I come with my wife on vacation here to Boston. First time come to Boston. Okay. We love this city and people nice here, too, that's why.

And then after that, we plan to bring our family here because I have kid, two kid right now to come to here to -- they have high education, nice culture, nice place for my kids growing up. So we planning to all relocate here.

ATTY MATT FOGELMAN: Will is running the New York restaurant predominately.

ACTING CHAIR ARTHUR GOLDBERG: Will you be in involved with the restaurant in Cambridge?

WILL CHEUNG: Yes, I will be helping.

ATTY MATT FOGELMAN: Helping to get everything up and running. Michael will be the main guy on the ground, so to speak, which is why he will be the manager as well because he is

going to be there.

ACTING CHAIR ARTHUR GOLDBERG: Right.

Okay.

ATTY MATT FOGELMAN: Sort of his new baby.

ACTING CHAIR ARTHUR GOLDBERG: So do you know how many hours a week you will be able to be at the Cambridge location?

MICHAEL LUC: 40 hours at least. No less than that. That's the life.

ACTING CHAIR ARTHUR GOLDBERG: Are you giving up management of the other restaurants in California?

MICHAEL LUC: The California one, I have regional manager over there already. He work with me more than seven year. So I think he can handle everything right now.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

ATTY MATT FOGELMAN: He's transferring a

lot of the responsibilities in California to --
he's delegating the responsibility, I should
say.

ACTING CHAIR ARTHUR GOLDBERG: So I'm
forgetting whether you said this, have you
managed a restaurant with a wine and malt
license?

MICHAEL LUC: You mean the wine?

ACTING CHAIR ARTHUR GOLDBERG: Yes.

MICHAEL LUC: Yes.

ATTY MATT FOGELMAN: Just beer and wine,
Mr. Chairman, as opposed to all alcohol?

ACTING CHAIR ARTHUR GOLDBERG: Well,
either.

MICHAEL LUC: I have one in California is
License No. 47, it's all alcohol, hard liquor
license. And the rest is beer and wine only.
Only the one have all liquor is at San Mateo.

ATTY MATT FOGELMAN: So all of his other

establishments have the alcohol. One has a full and the others are beer and wine which would be similar to Cambridge.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

ATTY MATT FOGELMAN: He has that direct experience, not in Massachusetts.

ACTING CHAIR ARTHUR GOLDBERG: Right.

We had a question also about whether you made efforts to acquire a beer and wine license that is available in Cambridge.

ATTY MATT FOGELMAN: We have -- I don't know if we made efforts. We've certainly talked about it, and these gentlemen are, you know, the ones who are running the business, not me, but the decision was made collectively to ask the city for a new license. It's quite cost prohibitive these days, and we're talking about a small family-run business, we're not talking about a national, you know, one of the big chains

or publically-traded company or anything like that.

So given the fact that there had been a license at that location, given the fact that --

ACTING CHAIR ARTHUR GOLDBERG: What kind of license? Wine and malt?

ATTY MATT FOGELMAN: Yes, at Yoki, which was at 485.

EXECUTIVE DIRECTOR ELIZABETH LINT: It was all alcohol.

ATTY MATT FOGELMAN: Oh, it was all alcohol. Sorry. Thank you.

So this is a lesser, if you will, license that the Commission had previously bestowed upon that address.

So given that precedent at that location, and particularly given the fact that there's no bar, that it's family friendly, that the hours of operation we're talking about, people -- the

doors closing at 11:45 with no one sitting down after 10:30, we felt that we wanted to come before the Commission and seek a new license given the cost of the available licenses.

POLICE COMMISSIONER ROBERT HAAS: Did you inquire as to the selling price for that license?

ATTY MATT FOGELMAN: I did.

POLICE COMMISSIONER ROBERT HAAS: Okay. You made an effort to try to --

ATTY MATT FOGELMAN: I was told the price was \$100,000.

ACTING CHAIR ARTHUR GOLDBERG: So was there an offer made to acquire that license, or you heard the price and decided not to --

ATTY MATT FOGELMAN: There wasn't an offer made.

Again, after speaking with Will and Michael, and understanding their financial

situation, we -- they deemed that -- the de
minimis offer that we could've made would not
have carried the day. You know, whether they
would have reduced it to 100 or 90, or 80, it
wouldn't have made a difference for this
particular applicant.

So, as I said, and I don't want to be
redundant, but given the factors that I have
spoken about, we were hoping that the Commission
would see fit that this is an appropriate
business for that location, and that this would
really not be adding anything to the city that
would deal with an overflow of licenses or any
concern that there's going to be, you know,
drinking, people hanging out. It's just not this
model. It just doesn't happen.

People sit down and they enjoy a meal and
have a drink, if that, and they leave.

POLICE COMMISSIONER ROBERT HAAS: Seeing

how this is different than the application we just talked about where there's already a cap established, there are three criteria that needs to be established with respect to an application of a license. One is demonstration of need, lack of harm, and --

FIRE CHIEF GERALD REARDON: Overwhelming public support.

POLICE COMMISSIONER ROBERT HAAS: Overwhelming public support. So I'm curious to see how you will meet those three thresholds.

EXECUTIVE DIRECTOR ELIZABETH LINT: And exhausting all possibilities to purchase a license.

POLICE COMMISSIONER ROBERT HAAS: Right.

ATTY MATT FOGELMAN: Well, I think I have spoken to a couple of those factors.

I think that the -- I think that the harm is certainly nonexistent.

I think that the need -- I think that area, it's not an oversaturated area.

POLICE COMMISSIONER ROBERT HAAS: It depends on your opinion.

ATTY MATT FOGELMAN: Sure. I'm aware of that, Commissioner, but, again, particularly where there was -- we thought it was meaningful there had been a license at that location.

POLICE COMMISSIONER ROBERT HAAS: How long was that business in business before it went out of business?

ATTY MATT FOGELMAN: I don't know that.

POLICE COMMISSIONER ROBERT HAAS: It wasn't there that long, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: You know let me go back.

So, Yoki, you're right, it was a wine and malt, and before that it was the Vietnamese restaurant and that was all alcohol.

Neither one of them was there very long.

POLICE COMMISSIONER ROBERT HAAS: Both restaurants if -- I mean, if you're trying to make the case that the alcohol is necessary, both those restaurants didn't last very long in terms of their duration.

So I think, at least from my perspective, I probably want to see more evidence of an overwhelming need or desire.

I am not going to argue about the public harm, but there has to be some evidence to show there was some overwhelming --

WILL CHEUNG: I did speak with our attorney in depth, you know, based on a lot of research and understanding, to purchase a license existing, even if they gave us 70 percent discount, you know, lower it from 100,000, it would still make a huge impact on our small family business, and it's not very economical for

us. But it is essential for us for our concept.

We hope to bring this new concept to the community of a Mongolian restaurant and we do hope to stay, and we hope the community would like and enjoy our food. And we hope that you would consider our application.

POLICE COMMISSIONER ROBERT HAAS: We're considering it. I'm just trying to figure out how you will meet the thresholds.

ATTY MATT FOGELMAN: I mean, as far as support, it's more anecdotal than anything.

Certainly, Will, you could probably speak to conversations that you've had with people in the community who certainly expressed an interest to have a family-run business serving the type of cuisine that doesn't exist in the city. And I think that's it's a good thing for the city as well.

Obviously, they want to be successful, but everyone benefits if they're successful, the city, obviously, benefits for having an exciting new location as well.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ATTY MATT FOGELMAN: I mean, I don't -- I don't really have anything else to present as far as hard evidence, Commissioner.

You know, if -- we could certainly go back and try to focus on presenting it in a different way, whether that be getting signatures.

But my -- our feeling and our hope was -- again, I don't want to beat a dead horse. Given the factors that I mentioned, and particularly with the limited extent of the service and the hours, although vital to the business, it's relatively limited.

And so we were hopeful, given those

factors and given the cost prohibitiveness, that this Board would look favorably on the application.

FIRE CHIEF GERALD REARDON: So I guess your clients are not willing to move forward unless they have the wine and malt license?

ATTY MATT FOGELMAN: That may be a conversation for another day. I'm not sure, Chief. I don't want to speak for them. You can ask them the question. I don't know. The answer is I don't know.

FIRE CHIEF GERALD REARDON: Let's assume we get to some agreement on that, this would be a new build-out in that space?

ATTY MATT FOGELMAN: Yes, it's being worked on currently. They're hoping to open in mid-January. They're building it out.

FIRE CHIEF GERALD REARDON: So is it just one inductive cooking station per table for the

chef area?

WILL CHEUNG: For a small table, there would be one induction cooker. For a larger table, six feet and above, there may be two induction cookers.

FIRE CHIEF GERALD REARDON: And the material you're using is what?

So they're using an aluminum bottom for the induction and is it a clay pot?

WILL CHEUNG: No. It's actually gonna be a stainless steel pot.

ATTY MATT FOGELMAN: I think we included a sample menu, it's from soup to meats and fish and very healthy fresh -- do you want to speak to what you're most known for?

WILL CHEUNG: The concept is actually very popular in China, and it's actually catching on very quickly in the US.

The restaurant we operate in Flushing,

New York, when we opened that restaurant, there was about four Hot Pot Restaurants in the area. And currently there are 22 within the source of five years. Wildly popular. A lot of people like it because it brings friends and family together.

It's sort've a meal that you want to enjoy with your friends because you want to order a lot of food and you can have a sample taste of everything. It's very similar to fondu. And our concept, I think it would bring a lot of communities together.

Actually, one of the churches in Cambridge, I have known the pastor and I have spoken to him through a family friend, and all the students that live in the church housing they're very excited about our concept and they can't wait for us to open and try our food.

ACTING CHAIR ARTHUR GOLDBERG: Is there

anyone here from the public who wishes to speak on this matter?

None.

POLICE COMMISSIONER ROBERT HAAS: So I will make a suggestion that might be helpful. If you could, in fact, do some more research with respect to trying to meet those other three thresholds.

With respect to the license, we can't guide you on that issue. That's a fourth outstanding issue with respect to satisfying that.

To the Chief's point, you may want to think about, and I'm not sure it's feasible, I think you may have a conversation with your clients if you want to try and open the restaurant without the license initially, have the business go and come back to try to apply for a license at some later when you have an

opportunity to demonstrate a track record, and also, that there's a demand and support for a license. So those are some options.

ACTING CHAIR ARTHUR GOLDBERG: Anything else from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. I'm trying to find the decision making date.

ACTING CHAIR ARTHUR GOLDBERG: I guess one option --

EXECUTIVE DIRECTOR ELIZABETH LINT: January 20.

ATTY MATT FOGELMAN: What is it, Elizabeth?

EXECUTIVE DIRECTOR ELIZABETH LINT: Our Decision Hearing is January 28.

ATTY MATT FOGELMAN: Decision Hearing.

EXECUTIVE DIRECTOR ELIZABETH LINT: Uh-huh.

ATTY MATT FOGELMAN: I'm not sure --

obviously, we can answer any other questions at the moment.

ACTING CHAIR ARTHUR GOLDBERG: So would you like to proceed tonight just on a CV license for the restaurant and not on the wine and malt, or are you asking for us to take action on the entire application?

ATTY MATT FOGELMAN: So the question is, do you want the Board to vote just on the common vic, which would give you the food, and it seems the Board wants to defer on the alcohol pending some further work that we might do, and then come back another time or they could vote.

MICHAEL LUC: What kind of work do we need to do?

ATTY MATT FOGELMAN: Well, some of the things the Commissioner was mentioning, I mean, we can talk about it afterwards, to meet the criteria for getting a license if you're not able

to buy an existing one.

FIRE CHIEF GERALD REARDON: I suppose we could probably take the next one, and you can have some time with your clients and come back in again, if you would like.

ATTY MATT FOGELMAN: Do you want to do that? Do you want to talk ourselves and they will take the next hearing and we'll come back in and that way we can talk privately?

FIRE CHIEF GERALD REARDON: We're putting a lot of pressure on you here.

ATTY MATT FOGELMAN: This will be continued for tonight?

EXECUTIVE DIRECTOR ELIZABETH LINT: For a few minutes.

**APPLICATION:
S&H, LLC D/B/A BONCHON**

EXECUTIVE DIRECTOR ELIZABETH LINT:
Application: S&H, LLC, doing business as

BonChon, Peter Ahn, Manager, is applying to transfer the All Alcoholic Beverages Restaurant held by Tommy Doyle's Pub and Restaurant, LLC, Garret Tingle, Manager, 96 Winthrop Street. Applicant is also applying for a Change of Location from 96 Winthrop Street to 57 JFK Street.

Applicant is seeking hours of operation from 11:30 a.m. to 1:00 a.m. Sunday through Wednesday and 11:30 a.m. to 2:00 a.m. Thursday through Saturday with a seating capacity of 56.

ATTY JOHN CONNELL: Good evening. My name is John Connell, C-O-N-N-E-L-L. I'm the lawyer for the applicant.

And to my left is Peter Ahn, A-H-N, who is the proposed manager of record.

ACTING CHAIR ARTHUR GOLDBERG: Welcome.

ATTY JOHN CONNELL: Thank you very much. Good evening.

Basically S&H, LLC is a newly-formed entity. It seeks to purchase the all alcoholic beverages license from Tommy Doyle's Pub and Restaurant, LLC, the proposed hours are from 11:00 a.m. to 1:00 a.m., seven days a week. And you heard the seating capacity.

ACTING CHAIR ARTHUR GOLDBERG: Did you say 11?

ATTY JOHN CONNELL: 11:00 a.m.

Oh, I'm sorry. 11:30 to 1:00 a.m.

This is little bit unusual in that the existing restaurant that's there, it has been there three-and-a-half years, Disciples, LLC d/b/a BonChon. This is a concession agreement where we have a disruptive member of our LLC, who is here tonight, who refuses to participate.

ACTING CHAIR ARTHUR GOLDBERG: Let's not get into personalities.

ATTY JOHN CONNELL: I don't mean to

characterize, but we haven't gotten him to cooperate and so we formed a new entity to apply for the license and basically enter into a contract for the service of all alcoholic beverages on the premise.

So that's the reason why it wasn't directly Disciples, LLC applying for the transfer. If the Commission has any questions --

ACTING CHAIR ARTHUR GOLDBERG: Right. I guess if you could explain that in a little more detail, that would be helpful.

ATTY JOHN CONNELL: Sure.

Disciples, LLC d/b/a BonChon has operated a very nice restaurant in the basement of this mall near Harvard Square for three-and-a-half years.

They're in need of a liquor license. They intended to get one at the outset. For whatever reason, they didn't.

They have been seeking over the last year to obtain a liquor license.

The LLC itself has had members come and go. And the current members there are four. There's a minority member who does not want to have a liquor license.

ACTING CHAIR ARTHUR GOLDBERG: Okay, of the Disciples, LLC?

ATTY JOHN CONNELL: Yes.

ACTING CHAIR ARTHUR GOLDBERG: One question that I have is: You have something called S&H, LLC, which is also doing business as BonChon.

So you have two different LLCs doing business as BonChon, is that correct?

ATTY JOHN CONNELL: That is correct in a way.

The forms aren't really designed for this type of arrangement.

This is a concession or concessionaire agreement. The restaurant will be BonChon, or the d/b/a BonChon. The alcoholic beverages service will be S&H.

S&H, LLC technically does not need a d/b/a because the restaurant, the public would associate it with, is operated and exists as Disciples.

So, as you may have noticed, there's a lot of Dunkin' Donuts around in Cambridge and Boston that have different owners that have the same exact d/b/a.

We would be, if -- because it was difficult to fill out the forms with that scenario, we could either have a permission agreement for S&H, LLC to also use the d/b/a, if necessary, or if the City of Cambridge required that.

ACTING CHAIR ARTHUR GOLDBERG: You're

representing S&H, not Disciples because --

ATTY JOHN CONNELL: Both.

ACTING CHAIR ARTHUR GOLDBERG: But you're saying that Disciples, LLC is the one where there's a disagreement?

ATTY JOHN CONNELL: Yes. The members -- there's four members. The three members who make up the majority of Disciples, LLC formed S&H, LLC. So they're a hundred percent of S&H, LLC.

ACTING CHAIR ARTHUR GOLDBERG: S&H, LLC is applying to transfer your -- you said you're planning to purchase the all alcohol license held by Tommy Doyle's, is that correct?

ATTY JOHN CONNELL: That's correct.

ACTING CHAIR ARTHUR GOLDBERG: And you would be the manager?

PETER AHN: Yes.

ACTING CHAIR ARTHUR GOLDBERG: BEGIN

could you describe your experience, please?

PETER AHN: Sure. We opened BonChon in 57 JFK Street back in May of 2012. I have been operating there ever since. Prior to that, I also opened up a restaurant with my uncle in Allston which was called Bok Yung, II (phonetic) located on Harvard Avenue.

But in regards to the experience in the restaurant, BonChon at 57 JFK will be the current one up to this point.

I also just recently opened up another one in Salem, Mass, which is another BonChon.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

PETER AHN: We're on our third week of opening there.

So that's the extent of experience I have with the restaurant industry.

ATTY JOHN CONNELL: I would add that he's TIPS certified.

PETER AHN: I'm TIPS certified as well.

ACTING CHAIR ARTHUR GOLDBERG: I was going to ask you if you managed a restaurant that has an all alcohol license.

PETER AHN: I have not, but I am TIPS certified, and I have been around other family restaurants and friends' restaurant. I mean, not that it would make me any more experienced, however, I am TIPS certified.

FIRE CHIEF GERALD REARDON: Is this the location that took a long time to get open?

PETER AHN: Yes, it was.

FIRE CHIEF GERALD REARDON: It's down below.

PETER AHN: In the basement of the Galleria building, which we're located in the same building at Staples, Wagamama, Maharaja.

FIRE CHIEF GERALD REARDON: Okay. How are things going?

PETER AHN: Going okay. We have had some challenges due to some fire incidents in that building. Flood. Us being located in the basement, if there's any water issues, obviously it flows down and we're the recipients of all this aftermath.

None of those were obviously the cause of us, but due to those incidents, we have had to close a total of probably close to a month altogether which would disrupt our restaurant services as well and the momentum, but all and all we have done okay. We have done fine. We, obviously, still are operating right now.

POLICE COMMISSIONER ROBERT HAAS: Are you going to be pledging the license?

ATTY JOHN CONNELL: Yes.

POLICE COMMISSIONER ROBERT HAAS: Is the same party that's gonna hold the pledge that's holding the license now?

ATTY JOHN CONNELL: No. The landlord is loaning the money to finance the purchase of the license.

POLICE COMMISSIONER ROBERT HAAS: So it's the same?

ATTY JOHN CONNELL: Pardon me?

POLICE COMMISSIONER ROBERT HAAS: It's the same, right, or no? Different?

EXECUTIVE DIRECTOR ELIZABETH LINT: Raj Dhanda.

POLICE COMMISSIONER ROBERT HAAS: Is there a similar agreement in the pledge that exists prior to you buying the license? That license reverts back to him?

ATTY JOHN CONNELL: Did Raj have a similar agreement with Tommy Doyle's, is that the question?

POLICE COMMISSIONER ROBERT HAAS: Yes.

ATTY JOHN CONNELL: I don't know.

EXECUTIVE DIRECTOR ELIZABETH LINT:

That's what he had with Tommy Doyle's.

ATTY JOHN CONNELL: I know Tommy Doyle's owed Raj money, and as a result, she had some sort of say over either what to do with the license or...

POLICE COMMISSIONER ROBERT HAAS: So that's the same agreement that you're planning on entering into now?

ATTY JOHN CONNELL: No. The agreement we have is a new agreement with the landlord. I have no knowledge or dealings with Raj and Raj, LLC and the prior licensee.

I know there was money owed there. She a lot of say. The license is being purchased essentially with a loan from Raj and Raj, LLC.

I know she has been anxious to transfer it out. The landlord and tenant have had issues in the past. I think this is an accommodation on

both sides to some degree.

PETER AHN: I'm pretty sure Members of the Board know the whole situation regarding Disciples, LLC when we first initially wanted to open and apply for the common victualer license, there was quite a bit of challenge - quite a bit of episodes that happened without our knowledge.

So we were -- we came to a point where we had to choose whether or not we were going to proceed with opening the restaurant with the common victualer license and foregoing the liquor license of that.

At that time, in our best interest, we needed to open the restaurant without the liquor license. That's what we did, and we have done so up to this point for three-and-a-half years.

In the meantime, during that time, obviously, patrons and customers who come, who've

known us from other locations, from other outside state, always ask us when are we going to get a liquor license or when get gonna get a beer and wine license. We always told them that we're not sure yet.

To this day, they do ask us for -- you know, whether or not we're going to get a liquor license or not. It's something that is -- we do have menu -- food items on the menu that really go well with either malt and beverage, wine, as well as the Korean liquor, soju, which would make the experience much more enjoyable experience. That's why.

EXECUTIVE DIRECTOR ELIZABETH LINT:

Mr. Chair, it was a rather complicated situation back then.

There was a license, an alcohol license, that they were purchasing, and it had not been renewed within the renewal period.

PETER AHN: Again, I wasn't involved in that at that time. It was the aftermath.

EXECUTIVE DIRECTOR ELIZABETH LINT:
Right. Basically that liquor license was lost. And there was an appeal to the ABCC and they did not get it back. So there was a huge financial loss there.

PETER AHN: We could have continued the appeal process, but if we continued the appeal process, we would not have been able to open.

So at that point, we had to make a choice. And we chose to forego that license and open the restaurant without a liquor license and just serve food and nonalcoholic beverages.

ACTING CHAIR ARTHUR GOLDBERG: Disciples, LLC holds the CV license?

PETER AHN: Yes.

ATTY JOHN CONNELL: Yep.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

There's another issue here, I guess, about staying open until 2:00 a.m.

PETER AHN: 1:00 a.m., I believe, and also she mentioned the seating was -- our seating capacity is 95.

ATTY JOHN CONNELL: Total is 95. Seating is 56. And we're only seeking to be open until 1:00 a.m.

ACTING CHAIR ARTHUR GOLDBERG: Okay.
1:00 a.m.

PETER AHN: And, obviously, not serve up to then. Obviously a buffer between.

ACTING CHAIR ARTHUR GOLDBERG: Anything else from the Executive Director?

EXECUTIVE DIRECTOR ELIZABETH: No.

FIRE CHIEF GERALD REARDON: So this is presently a for value transferable license that they're trying to acquire?

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh,

yeah. I need the abutter notifications.

ATTY JOHN CONNELL: I think in the affidavit --

EXECUTIVE DIRECTOR ELIZABETH LINT: Oh, wait a minute.

ATTY JOHN CONNELL: I have the green cards and these.

EXECUTIVE DIRECTOR ELIZABETH LINT: That's what I need. Thank you.

ACTING CHAIR ARTHUR GOLDBERG: Are there members of the public here who wish to be heard? Please come forward.

ATTY BILL HAHN: Mr. Chairman and Members of the Board, my name is Bill Hahn, H-A-H-N. And I'm a lawyer. My office, as you can see on what I handed to you, is 36 Bromfield Street in Boston, and I am here with Ms. Seong. Who is the daughter of the 35 percent owner of Disciples, LLC.

ACTING CHAIR ARTHUR GOLDBERG: Could you spell Ms. Seong's name?

ATTY BILL HAHN: S-A-N-G-U-K, and Seong, S-E-O-N-G.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

ATTY BILL HAHN: Thank you.

As it's been talked a little bit about, there are older files with the Commission for this location.

There was a liquor license, which was granted and never used, and there was a lease signed, but the rent accrued and the location was not open for quite awhile.

So there has been a big indebtedness and there's been payments to the landlord for rent arrearages and an old liquor license that was bought and never used, which certainly has been a burden on the restaurant.

In the application package, the applicant

has included a rental agreement from 2012, but I've included in my package -- that actually doesn't tell the whole story because -- I'm sorry. The landlord has given a default notice earlier this year and then terminated -- given notice termination of the lease, and it seems their current position and that would be to my letter, Attachment B, there's a notice of default and termination notice. So it seems possibly that the current position is that there's a tenancy-at-will.

So I wanted to clarify that.

Because when I looked in the package a few weeks ago, with the Commission, there was just the lease, but there was no notice of what had happened, and I think that's important because --

ACTING CHAIR ARTHUR GOLDBERG: So you're saying the lease has been terminated for that

location?

ATTY BILL HAHN: Yes.

According to the landlord, there's a letter from Raj Dhanda (phonetic), termination notice dated March 12, 2015, and that's attached to my letter.

And I think if you look at Attachment C to my letter, there's an email dated April 28, 2015 from a Raj Dhanda Belacrista (phonetic), who may be Raj Dhanda's daughter, I'm not sure, but it says -- the first line says "I am writing to remind you all that the attached questionnaire needs to be completed and returned to Attorney John Connell by the end of tomorrow."

Then the last paragraph it says "As you know, we have terminated your lease and will not be able to reinstate it until the liquor license transfer is underway. The questionnaire needs to be completed by each of you or your

representative by the end of tomorrow."

So I would point out that -- and I have pointed out in my letter, I've quoted the operating agreement for the Disciples, LLC, which says quite a few transactions have to go -- there has to be notice, a meeting with an agenda of the meeting, place, time of the meeting, and a vote, which is normal for any corporation or LLC.

That was never done, so when this April 28, 2015 email as sent out, it says all this paperwork has to be done by tomorrow. And this was sent by the landlord.

And there had never been a vote, a notice of meeting, meeting, or vote, under the operating agreement of the LLC to make a decision on this subject. This was something that came from the landlord.

Ms. Seong, who is here today, she has a

power of attorney for her father, who is currently in Korea, she tells me that more than once that Mr. Dhanda told her that if she didn't help him out on the liquor license, he would terminate BonChon's lease, and that's happened over a period of time several times, and now that has happened, as you can see, from the termination.

I think the problem here is, Mr. Chairman, and Members of the Commission, is that there's really no transparency and no following of the operating agreement and the usual rules at Disciples, LLC.

I have given you the letter, which you can read whenever is convenient, but there are quite a few examples of that.

The Disciples, LLC consists of four members, Peter Ahn, who is here today. Jink Yung Kim.

THE REPORTER: I'm going to need spellings.

ATTY BILL HAHN: Peter Ahn.

THE REPORTER: I have Peter.

ATTY BILL HAHN: Min Soo Jung is M-I-N
S-O-O J-U-N-G.

Jink Yung Kim, J-I-N-K Y-U-N-G K-I-M.

Jeong Mo Seong, J-E-O-N-G M-O
S-E-O-N-G, who is the father of Ms. Seong, who is
here today.

ACTING CHAIR ARTHUR GOLDBERG: Do you
happen to know the percentage interest of each of
those people?

ATTY BILL HAHN: There's -- around
20-something each. My client has the largest
single, he's 35 percent.

PETER AHN: Then myself is 24.

Min Soo Jung is 21.

Jink Yung Kim is 20.

ATTY BILL HAHN: I'm pointing out from the outset there was an intent here that certain things be done.

There was not a normal arm's length deal where normally your business would go out and do things. This is was kinda done, whether you want to call it under duress, I will leave that up to the Board.

Mr. Seong and his family have put their life savings into this. They put in a lot of money. And what's happened here, if you look at the concession agreement in the package, Peter Ahn is the signatory for both sides, for Disciples, LLC and S&H, LLC.

So you've got the same lawyer representing both of these LLCs and the same manager, and so my question would be: How were the terms negotiated? There was no arm's length transaction.

I've pointed out in my letter a number of the terms that I would question.

And I think I what I pointed out is quite a few instances in my letter of not following the operating agreement on a number of things to do with this liquor license and with other items.

For example, the concession agreement, the first time we saw it was late last week. There's a signatory -- one side is of it is to be Disciples, LLC.

Under the operating agreement you have to send out notice of meeting, agenda, place and time of meeting and it went from Disciples, LLC the four members have to get together and vote, which Ms. Seong would participate as a power of attorney. That never happened.

So nowhere in your package do you have any notices of meetings, minutes of meetings,

votes, or anything else.

Under the operating agreement, we've tried to get some meetings. There's been huge resistance. I'm not sure there's ever been a notice sent out except we sent out a couple this year to try find out what is going on.

I included in the package a notice of meeting that we sent out, and that would be attachment F to my letter, and we sent out a notice dated August 5 this year for a meeting on August 24 at the BonChon restaurant, 57 JFK Street, and there was an agenda and you have to give a ten-day notice under the operating agreement, which we did.

Ms. Seong and I showed up. We sat there for an hour. Nobody came. Then Peter Ahn came and Jink Yung Kim came an hour later.

Peter Ahn never attended the meeting. He went into his office about 30, 40 feet away,

never attended meeting.

And that meeting, one of those items, you can see, No. 3, was liquor license transfer. We didn't know what was going on. We were excluded. And we legally called the meeting under the operating agreement. We were going to ask questions. He never came.

Min Soo Jung did not come.

Jink Young Kim came over for a very short time but it was difficult to get any information from him.

Another item, aside from -- so, again, this concession agreement, which I would ask the Commission to concentrate on, it's really a fiction.

As I said in my letter, there's kind've an Alice-in-Wonderland quality to this, where who is negotiating with whom. The same people were negotiating with each other, so how can you reach

these terms.

There was \$100,000 loan, which the operating agreement says any loan over \$1,000, you have to follow the process of the operating agreement. You have to have notice of the meeting and then vote. And this was purely Disciples, LLC. And one of the items, agenda items, you can see here for the meeting was to discuss the \$100,000 loan.

Peter Ahn took out that loan by himself, represented -- they could not get a bank or a normal lender, so they did an internet lender. The whole thing happened within a few days.

I have never seen -- normally after the crash of 2009, 2008, there's a lot you have to do to get a loan. I never have seen a loan happen that quickly.

ACTING CHAIR ARTHUR GOLDBERG: Is there a

pending legal action among the owners?

ATTY BILL HAHN: There's not a pending legal action.

With our limited resources, we're dealing with this situation first.

But I can tell you that -- I mean, Mr. Ahn is coming before you asking to be named a manager by you, and I have given you a number of situations. This is a situation where he represented that there was only himself, Mr. Jung and Mr. Kim were the only members of Disciples, LLC in order to get the loan, and I have included some of that documentation.

There was never any kind of notice for a meeting to take out a loan, even though it was well over \$1,000. Never any vote. Nothing.

And then the money came in, so we found out about it, we asked for a meeting, and we were there on August 24 to get -- to find out his

authority to take out the loan and what happened to the money, and he was within 20 or 30 feet, and he didn't come to the meeting.

ACTING CHAIR ARTHUR GOLDBERG: So what are you asking the Commission to do?

ATTY BILL HAHN: Well, there is more in my letter.

I'm asking the Commission to take a look at this. There's been no -- there have been no notices, meetings, or votes by Disciples, LLC on anything that is any of your package.

It's purely been done, you know, just someone wanted to do, so they did it.

As far as Mr. Ahn being named manager, I have included that in there as well. There was something filed back in April with the Secretary of State saying he was manager, but if you were to ask for any notice of meeting, meeting, vote, minutes of meetings, there are not any because it

never happened.

So what I'm saying is, there's been such a lack of procedure.

Now, my brother, Attorney Connell, said -- he used the word "disruption." I don't think there's anything disruptive about wanting follow the operating agreement of the LLC, which all the members agreed to follow.

That's normal process, I think.

So, I ask the Board to consider -- there's been no authorization for anything, and if you look at it, there's been a pattern of -- instead of calling meetings like you normally would for a corporation, there's been a pattern people just doing what they want to do and trying to exclude the largest single owner from anything.

He has rights to get notices to meetings.

He has a right to notice a meeting and to

have people attend and to discuss issues.

Everything is kept secret. There's no transparency.

So I would ask the Commission to consider what I put before you in making your decision.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

Does any other member of the public wish to be heard on this matter?

DENISE JILLSON: Good evening.

Denise, D-E-N-I-S-E J-I-L-L-S-O-N.

The Executive Director for the Harvard Business Association.

My God, this is complicated. I'm not going to get into any that.

I just want to speak a little bit about Peter Ahn and, you know, our connection to Peter as a member of the Harvard Business Association, which is that BonChon became a member

three-and-a-half years ago when they opened the restaurant, and as was mentioned earlier, you know, it was a complicated opening.

They chose to open the restaurant in spite of the fact that they didn't have a liquor license and that their menu is one that really begged for at least beer and wine.

They opened the restaurant and have been fairly successful.

They have been terrific partners to the community participating in a lot of events, being very generous with samplings, and just very good community partners.

So, based on that, barring all of these other incredibly complicated issues, if the Board saw their way fit through that maze to grant a request, we would certainly be in favor of that and ask for your consideration.

Thank you.

SANGUK SEONG: My father is in Korea right now because he could not -- his E2 Visa has been expired because Peter Ahn said he's not gonna agree my father's E2 Visa renew.

And plus there the case is open in Waltham District Court filed June 2013 against Peter Ahn, Min Soo Jung and Jink Yung Kim because my parents -- actually, my mother and father ask Peter Ahn the information, the business information.

Peter Ahn -- especially Peter Ahn say he doesn't want to say anything. If my parents want to know and see anything, just go to the office. But he kept the important information behind like -- like, he put them somewhere else, just, like, tell my parents to go to office and so my parents are still kept -- my parents kept asking Peter Ahn the business information and he was so upset and, like, screamed at my parents so many

times and tried to harm my parents as well.

So that's why my parents filed the anti-harassment case in Waltham District Court.

ACTING CHAIR ARTHUR GOLDBERG: And that's still open?

SANGUK SEONG: Yes.

PETER AHN: No, it has been closed because they never went forward with the case.

It was never -- they had a different attorney at the time. It was Attorney Grayer (phonetic).

At the time, we were going to proceed with their charges or their -- what they -- actually, it was myself and Min Soo Jung. Jink Yung Kim was not in the discussion.

It's regards to personal issues within the business. We treat this business as a marriage. You have your good days and your bad days. We have had our bad days, obviously.

ACTING CHAIR ARTHUR GOLDBERG: Do you know what date it was dismissed or closed?

PETER AHN: The day we all showed up to the Waltham District Court, and at that time, they never moved forward with it. They never proceeded with it.

ACTING CHAIR ARTHUR GOLDBERG: But was it like a month ago?

PETER AHN: 2013. Late 2012. I could probably get the dates but --

ACTING CHAIR ARTHUR GOLDBERG: It's been a few years or so?

PETER AHN: It's been at least three years.

They never moved forward with it. It was never proceeded. We never -- we appeared in front of the judge but it was never proceeded.

ACTING CHAIR ARTHUR GOLDBERG: Do any other members of the public wish to be heard on

this?

ATTY ANDREW UPTON: Good evening, Mr. Chairman, Andrew Upton U-P-T-O-N.

I represent the landlord, and while I understand it's your job to consider the relevant factors here, one issue is that there were some disagreements on the lease, but the landlord and the tenant are in agreement on the existence and stability of the tenancy under the terms of the lease that's in the application.

ACTING CHAIR ARTHUR GOLDBERG: Has the lease been terminated?

ATTY ANDREW UPTON: There was a letter of termination but they now agreed to continue as tenants-at-will under the exact same terms of the lease.

So that's why we provided that lease to Mr. Connell. And as tenants-at-will, they're paying and we're accepting rent, the tenancy is

created and that satisfies the requirement of a right of occupancy for a liquor license application.

ACTING CHAIR ARTHUR GOLDBERG: When you say you "represent the landlord," could you give the name of the landlord?

ATTY ANDREW UPTON: Raj and Raj, LLC.

ACTING CHAIR ARTHUR GOLDBERG: R-A-J and R-A-J?

ATTY ANDREW UPTON: R-A-J and R-A-J, LLC.

FIRE CHIEF GERALD REARDON: So, counsel, would it be fair to say there was more than one termination letter in the past year?

ATTY ANDREW UPTON: There was some default letters, there was negotiation and termination.

PETER AHN: I believe there was only one.

ATTY ANDREW UPTON: And I can tell you, in my experience, the threat of default and the

threat of termination are extremely common and that's often the road to reinstatement of the tenancy.

The parties are now in good standing with each other. A tenancy exists so, therefore, a right of occupancy exists for the applicant.

ACTING CHAIR ARTHUR GOLDBERG: I would like to allow the applicants to respond to some of the things that been said, if you would like to.

ATTY JOHN CONNELL: Let me take the big picture first.

With regard to the lease, the landlord sent the termination letter and then the tenant repaid late rent, and it's the tenant's position, notwithstanding Mr. Upton's point that it may be a tenancy-at-will, that the lease is in full force and effect.

The landlord can send a termination letter, but that is subject to judicial determination if the landlord commences a summary process action, which she never did. She backed down on that threat. She never filed a summary process. She never filed a Superior Court case.

There's been no determination that there was an adequate notice of termination or there was a termination. So from the tenant's point of view, the lease is in full force and effect.

If there's a future default for late payment of rent and the landlord wants to evict the tenant, the landlord would have to, in my opinion, send a new notice of termination and restart the process.

So, the fact that the landlord sent a termination notice in threat of eviction, when the parties essentially patched things up and

were allowed to go forward, I think is contrary to the argument being made by Mr. Hahn that there's no lease.

ACTING CHAIR ARTHUR GOLDBERG: So we have three attorneys and three different opinions as to the status of the lease.

ATTY JOHN CONNELL: And that brings me to the big point picture here, which is, I have done many -- not so much in Cambridge but many, many of these license transfers, and sometimes there's somebody that shows up at a hearing that says, You shouldn't allow this transfer because of XYZ, that has nothing to do with the standards for which you were applying, which is the character and fitness of the manager, the public need at this potential location.

And always, you will hear either the chairman, or another licensing board, say, Well, have you filed a civil action? And the person

will say, No, I haven't. I'm just here to assert --

FIRE CHIEF GERALD REARDON: I think, counsel, we're talking apples and oranges of someone who makes an objection to this versus someone who is actually a shareholder.

ATTY JOHN CONNELL: All right.

To that degree, what actually, if you want to get into chapter and verse with what Mr. Hahn said, in May -- I was hired for the limited purpose of applying for a liquor license. And I ran into a -- and "disruptive member" is a legal term. I'm not trying to cast a pejorative against the member, or Mr. Hahn, he's a beautiful guy, I like him a lot, get along great, or his client's daughter, to the degree she has any authority whatsoever, seems a very nice lady, but I tried to work with Mr. Hahn and was just unable to.

The last email between us is me asking him to have a meeting with his client. On May 11, Dear Bill, I can meet on these dates, which went ignored. All right, so I can submit that.

After ignoring my letter, I wrote Mr. Hahn a letter on May 28 and said, It's apparent your client will not participate, will not meet, will not do anything with regard to advancing the ball here; therefore, the other three members, who are the majority members of the LLC, and Mr. Hahn will concede that majority rule is the vehicle for determining corporate will, the three majority owners want to petition to acquire a liquor license.

ACTING CHAIR ARTHUR GOLDBERG: Is there a corporate vote to that effect?

ATTY JOHN CONNELL: There's a corporate vote -- first of all, we all met.

We could not get Mr. Hahn's client to

meet.

First of all, Mr. Hahn's client is in Korea and is not part of the actual on site management. So Mr. Hahn deals through the daughter.

We wanted to get a meeting. They would not meet with us and therefore we met. We -- the three majority members decided, as I informed Mr. Hahn, that we would set up a separate corporation for the LLC, this S&H, which there is a corporate vote, which is exhibit-something to my application, where they did vote as S&H members.

But it's reflective -- I mean, we can certainly take another vote, but the problem has been trying to get his client to a meeting.

So we informed Mr. Hahn on May 28 that because your client wouldn't participant, we will -- so the tail isn't wagging the dog -- we will just simply set up another entity to apply

for the license. And that's May 28.

Mr. Hahn didn't do anything except to write me back on June 19, which I can submit, which says, Okay, John, just let me know when the hearing date is.

So, on December 4, after publication on Thanksgiving, I sent Mr. Hahn a letter saying, Here is the hearing date and here we are.

With regard to your question, yeah, I mean, I understand that it's a shareholder, it's a little different, but in order to have any affect, we could have a trial here on these allegations, all of which are materially disputed, until midnight, and you would be acting as judges, but that's not really your role.

Your role is really to, under Chapter 138, judge the character and fitness of the applicant and the suitability or public need of this location.

There's nothing I can do to prevent Mr. Hahn from voicing his arguments and many of which he could go to court tomorrow. Or he could have gone back in May when we informed him what we were going to do.

But he hasn't.

So, without a court order, respectively, I think this board is just left with the regular determinations.

To the degree Mr. Hahn's arguments have some merit in those categories, then fine, consider those.

But legally, we have complied with the operating agreement, we have the majority, and we just have a person with apparent personal issues with Mr. Ahn that we can't corporately vote around without them attending a meeting, which they won't do.

PETER AHN: With respect to that, it's

not like we haven't reached out to tell her or haven't invited her to the meetings.

It has been that it has been quite difficult, because myself and two other members, Min Soo Jung and Jink Yung Kim, we're at the restaurant day-to-day everyday. She has not worked there. She doesn't -- nor do we ask her to come work.

Initially her father would be the one -- actually, let me step back further.

Her mother, actually, is the one that works at the restaurant because she's the chef. At the time --

ACTING CHAIR ARTHUR GOLDBERG: Currently?

PETER AHN: At the time, in the beginning, that was the whole process, the mother would be the chef, I would be the front of the house, Jink would take care of the BBQ section, Min Soo Jung be taking care of the chicken

section.

That was how the -- our agreement, and that was our harmonious way, you know, we're gonna do great.

In the midst of all that, there has been some tension between members, myself and Seong family, we were actually one member -- one cohesive group, but in the midst of all that, that kinda frayed away because we had differences.

Like, in regards to business, not all of us can agree on a lot of things.

However, with that being said, we've always respected and always told them about certain situations.

Now, with her not being at the restaurant on a day-to-day basis, nor any day, myself and my two other members, we run the business.

We're there ever day running the

business, and there's times that we're not -- actually, lately, last 18 months, we have not all been there together, myself and two other members.

So, it's very hard for us to be -- you know, have a meeting all four of us at one time. But we have done, we have done it many, many times. If -- but not myself, but Mr. Kim would reach out to her and her mother to say we need to discuss certain things, and some of those would happen but most of them would not happen.

It's not like we have not tried.

We respect the fact that we have partners in this corporation, but there's only so much that we can do.

I mean, I can -- we cannot control a lot of the actions that they do because we just can't.

We can only do the best we can with what

we have.

ACTING CHAIR ARTHUR GOLDBERG: I'd ask Mr. Hahn, one more chance.

ATTY BILL HAHN: I really appreciate that, Mr. Chairman.

I have a copy of the operating agreement for Disciples, LLC.

It's in the records of the Commission from starting in 2009 when it first came up, and I have an extra copy if the Board would like one.

With all due respect to my brother, Mr. Connell, he talks about difficulty getting people to meetings, not once this year has Peter Ahn, or Mr. Connell, or anybody sent a notice of meeting under this operating agreement for the liquor license issue or any other issue.

So not once has there been any notice of meeting under the operating agreement.

There's a way it's to be done, and actually, in one of my attachments that I talked to you about when we called the August 24 meeting, that is how it's done, it's gotta be in writing, at least ten days before a meeting, it's gotta set forth the agenda, time, place, and what is to happen.

And I'm going to say again, with all due respect to my brother, if you look at the exhibit C, which I talked about, this was sent out apparently by the landlord's daughter saying, you have to do all the liquor license stuff right away, when there had never been a meeting called for it. Never been an agreement. Never been a vote. Never been anything.

And I would challenge anyone to come up with minutes of a meeting or any record of any meeting prior to this being sent out by the landlord saying you have to do this liquor

license thing now, and attached to that -- and you have it, it's just the first page of the questionnaire from Mr. Connell's office. Now, when I talked to members of the company earlier this year, they told me Mr. Connell is the lawyer for the landlord, which we can see why because the landlord's email attached the questionnaire from Mr. Connell, and the landlord is paying for all sides here.

So, I mean, any kind of arm's length or independence or separation is all an illusion.

The agenda was set back in April with that email from the landlord's office, and this is the culmination here before you right now. And you've got my letter and attachments before you. Thank you.

ATTY JOHN CONNELL: A couple quick points there.

The operating agreement that he's waving

around, if he could show it to the Commission,
his client never signed. Mr. Ahn never signed.

It was a preexisting operating agreement
that was substituted by a later operating
agreement which doesn't have the formalities that
he is speaking of, No. 1.

ACTING CHAIR ARTHUR GOLDBERG: Do we have
copies of both of those?

ATTY JOHN CONNELL: No.

ATTY BILL HAHN: I can hand out -- I have
a copy of the operating agreement.

ATTY JOHN CONNELL: This is the one he's
waving around that his client never signed.

MR. BILL HAHN: I'm not waving it.

ATTY JOHN CONNELL: And Mr. Ahn never
signed.

But there's no -- if there was a form in
the application package that required a vote of
Disciples, we would have provided it, but there's

no form that requests it.

If this Commission wants a vote of Disciples of the majority owners, we'll certainly provide it.

It's just not a form that's required in the package.

ACTING CHAIR ARTHUR GOLDBERG: You did offer a copy of the -- what you're calling the later operating agreement?

ATTY JOHN CONNELL: It's my only copy.

ACTING CHAIR ARTHUR GOLDBERG: That can be submitted later.

ATTY JOHN CONNELL: Yeah.

That's No. 1.

No. 2, with regard to the payment of my fees, Disciples is paying me for this internal dispute with regard to Mr. Hahn's objection.

The landlord is paying in regard to the liquor license.

ACTING CHAIR ARTHUR GOLDBERG: The landlord is paying your fees?

ATTY JOHN CONNELL: Yeah.

She's gonna be the pledgee of the liquor license. And she wants to make sure that is done correctly.

And I have a majority of the LLC, which is what any lawyer would take direction from.

And I have no fiduciary obligation to the landlord whatsoever. My fiduciary obligation is to the client.

You have the manager of the LLC, who will verify that, that I am taking the direction of the majority of Disciples, LLC and the unanimous members of S&H, LLC.

I can't do anything more than that.

PETER AHN: I also would like it add, in regard to a meeting, I can respect the fact that in regards to the agreement, notice has to go out

ten days prior, an agenda has to be placed, as well as a place. When we first opened, we always had -- actually, when her mother was there and father was there, we always had weekly meetings without any notice.

We tried to do weekly meeting, or if it was too busy, we would do every other week or at least a monthly meeting without prior notice or any agenda put forward.

So we have had many, many, many meetings without filing a letter or sending a letter, a ten-day notice and so forth.

I just wanted to add that because we have had numerous meetings.

ACTING CHAIR ARTHUR GOLDBERG: Okay. 30 seconds and we'll close public comments.

ATTY ANDREW UPTON: On behalf the landlord, Attorney Hahn has referenced the landlord's involvement in this, and I,

respectfully, submit to the Commission that the landlord's involvement, the landlord's participation in the negotiation, any allegations of arm's length, or non-arm's length transactions, are not at all relevant to this.

Mr. Hahn makes some serious allegations along the lines of a closely-held corporate dispute, a shareholder dispute, an investor argument, all of which may be potentially adjudicated in a court of law, but are not before this board.

And I think it's a little unfair for him to impugn the landlord's participation, when she has every right to participant in the license as the pledgor.

ACTING CHAIR ARTHUR GOLDBERG: Thank you.

Anything from the Executive Director on this?

EXECUTIVE DIRECTOR ELIZABETH LINT: No.

Think you've heard enough.

POLICE COMMISSIONER ROBERT HAAS: I just have one question.

So as I understand this, Disciples, LLC holds a CV license to this establishment, right?

ATTY JOHN CONNELL: Yes.

POLICE COMMISSIONER ROBERT HAAS: It didn't get transferred over to S&H, LLC?

ATTY JOHN CONNELL: Yes.

POLICE COMMISSIONER ROBERT HAAS: S&H, LLC is planning on purchasing this license and then running --

ATTY JOHN CONNELL: The alcohol beverages service.

POLICE COMMISSIONER ROBERT HAAS: How does that work where you have two LLCs, one holding a CV license and a liquor license?

ATTY JOHN CONNELL: Pursuant to Chapter 138, the S&H, LLC will have the employees, they

will be under the control of the manager, and will be an employee of S&H, LLC.

There will be some overlap with services as far as cooking and dishwashing and so forth, but essentially it's not an uncommon arrangement, similar to management agreements, which are little different, but this is a -- they're simply going to provide the alcoholic beverage service, pay for the liquor out of their account.

There's \$2,000-a-month fee that will be exchanged between the parties for that service to be there.

And I think it should stand up to whatever scrutiny that everybody applies to it.

FIRE CHIEF GERALD REARDON: So you would operate, all the people handling the alcohol service will be under S&H?

ATTY JOHN CONNELL: And they will all be TIPS trained, everybody that's gonna serve.

FIRE CHIEF GERALD REARDON: They'll also need 21 Proof in Cambridge.

PETER AHN: Of course.

FIRE CHIEF GERALD REARDON: Maybe it isn't even relevant, but do we have a -- do you have to have a CV in order to have an alcohol beverage license? We don't have any regulation on it, do we?

EXECUTIVE DIRECTOR ELIZABETH LINT: We do, but there's -- it's a restaurant.

FIRE CHIEF GERALD REARDON: Right.

ACTING CHAIR ARTHUR GOLDBERG: So discussion?

POLICE COMMISSIONER ROBERT HAAS: I think there's a couple issues we have to reconcile before I'm willing to make a vote on this, just to get a better understanding of the complications, and as you pointed out, there are three attorneys representing varying opinions.

There's some agreement with some of the attorneys, but I think there's sufficient dispute at this point in time that I just need to get some more clarification with respect to this business arrangement, how it applies to the statute, and then make sure that they're moving fairly -- it may be helpful if we can confirm that the lease is still in force.

Right now, it's a tenant-at-will, I get that.

I am kinda wondering why there hasn't been a movement to now reestablish that lease.

ACTING CHAIR ARTHUR GOLDBERG: Well, attorney Connell, I think, was saying that he -- his client thinks there is, they're still operating under the lease.

POLICE COMMISSIONER ROBERT HAAS: There's been an --

ATTY ANDREW UPTON: May I, Mr. Chairman?

That doesn't call into the question the existence of a lease.

POLICE COMMISSIONER ROBERT HAAS: No, no.

ATTY ANDREW UPTON: The submission of the lease, under which the tenancy is occurring, we all agree there's a tenancy, we all agree there's a lease, and my client has authorized me to say that the tenant is in good standing with the lease. So, lease, lease, lease, I'm glad to answer more questions, but I think it's enforce.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

POLICE COMMISSIONER ROBERT HAAS: I'm not prepared to move forward tonight on this issue.

ACTING CHAIR ARTHUR GOLDBERG: Yeah, I was going to say I'm not prepared right now to move forward on this either.

I think there are a number of issues that have been raised we would want to think about, review your -- we were handed a package tonight

by Mr. Hahn that we haven't had a chance to look at.

And I think there have been some significant issues that have been raised, so I think we can either continue this matter or I don't know if you have comments.

FIRE CHIEF GERALD REARDON: No.

I think we just need to make sure that everything is in order before it goes to the ABCC vote and we're clear with this. It's more complicated than the normal transfer.

ATTY JOHN CONNELL: Sure.

And certainly, if there's any other additional information or documents the Board requests, Ms. Lint can notify me and I'll provide them.

POLICE COMMISSIONER ROBERT HAAS: Uh-huh.

ACTING CHAIR ARTHUR GOLDBERG: So the question is, when do we want to postpone this to?

We have a meeting on the 5th.

POLICE COMMISSIONER ROBERT HAAS: 28th.

EXECUTIVE DIRECTOR ELIZABETH LINT: We have a hearing on January 5th.

And then we have a Decision Hearing on January 28th.

ACTING CHAIR ARTHUR GOLDBERG:

Logistically, I will not be the Chair.

I will not be a member of the Board after the 5th.

POLICE COMMISSIONER ROBERT HAAS: Can we get these issued resolved before January 3rd? Do you have the time?

So, I think, in view of the fact that you're not going to be here January 5th, the only logical time we could do --

EXECUTIVE DIRECTOR ELIZABETH LINT: I thought we can wrangle him in from next door.

FIRE CHIEF GERALD REARDON: I would think

that we best to do it on the 5th, so we can have your continued wisdom for that.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

ATTY JOHN CONNELL: Do we need to be here for that?

ACTING CHAIR ARTHUR GOLDBERG: I think it would be helpful if you would be here.

ATTY JOHN CONNELL: The 5th?

ACTING CHAIR ARTHUR GOLDBERG: Yeah.

FIRE CHIEF GERALD REARDON: Under the circumstances, it probably is best.

ATTY JOHN CONNELL: I didn't know whether it was a closed order.

EXECUTIVE DIRECTOR ELIZABETH LINT: No, it's a regular hearing.

FIRE CHIEF GERALD REARDON: The next public hearing versus a Decision Hearing.

ATTY JOHN CONNELL: I got you.

ACTING CHAIR ARTHUR GOLDBERG: Do we have

a motion to continue?

POLICE COMMISSIONER ROBERT HAAS: I make a motion to continue this matter to June (sic) 5, 2016.

ACTING CHAIR ARTHUR GOLDBERG: June?

POLICE COMMISSIONER ROBERT HAAS: January 2016 hearing.

FIRE CHIEF GERALD REARDON: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIRMAN ARTHUR GOLDBERG: Aye.

EXECUTIVE DIRECTOR ELIZABETH LINT: Go back to Happy Lamb.

ATTY MATT FOGELMAN: Thank you.

So just to clarify, I think what we would like the Board to do, if this is an option, is to

vote on the CV part of it, and I don't know if the proper terminology is to defer ruling, or that we withdraw, so I want to make sure we're doing the right thing, but for you to vote on the food but not on the alcohol and then to allow us to regroup and discuss internally the alcohol issue in terms of how we want to proceed on that.

ACTING CHAIR ARTHUR GOLDBERG: Well, it's up to you on what you want to do with the alcohol application at this point, wine and malt application.

So you could withdraw it, if you wanted to, or we could continue it to maybe January 5 as well and act on the CV license tonight.

ATTY MATT FOGELMAN: We definitely want to act on the CV license, absolutely.

FIRE CHIEF GERALD REARDON: I mean, just my own comment, I'm not too sure if you're going

to be able to get signatures and things in that kind of short of time.

ATTY MATT FOGELMAN: Correct.

FIRE CHIEF GERALD REARDON: In terms of

--

POLICE COMMISSIONER ROBERT HAAS: Meeting those thresholds, right, for the January 5th hearing?

ATTY MATT FOGELMAN: Yeah, that's not going to happen.

ACTING CHAIR ARTHUR GOLDBERG: We can continue it past that.

POLICE COMMISSIONER ROBERT HAAS: We can go to the Decision Hearing if you think that will give -- I mean, you can have more time if you want.

ATTY MATT FOGELMAN: Maybe I can just be in touch with Ms. Lint on that.

So let's not withdraw it and let's just

continue it indefinitely for the moment, again, pending discussion my clients, that we're not going to have tonight, to figure -- just to figure out what they want to do --

ACTING CHAIR ARTHUR GOLDBERG: Sure.

ATTY MATT FOGELMAN: -- with that piece of it.

But let's proceed, if you're inclined, on the CV, so that, hopefully, you will grant it and these guys can focus on opening the restaurant for the moment, and then we'll get back to -- we'll circle back on the beer and wine.

ACTING CHAIR ARTHUR GOLDBERG: So do we have a motion?

ATTY MATT FOGELMAN: Is that a viable option?

ACTING CHAIR ARTHUR GOLDBERG: Yes.

POLICE COMMISSIONER ROBERT HAAS: I make a motion to approve the CV license for Happy Lamb

Hot Pot for the hours described.

FIRE CHIEF GERALD REARDON: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

You need a crowd manager since you're over 100.

ATTY MATT FOGELMAN: Michael can do that as well?

FIRE CHIEF GERALD REARDON: Yeah. It's an on-line, for the most part, for the State Marshal's Office.

ACTING CHAIR ARTHUR GOLDBERG: So you will back in touch with Ms. Lint about when you want the wine and malt scheduled.

ATTY MATT FOGELMAN: Yes, I will.

ACTING CHAIR ARTHUR GOLDBERG: So we're

not picking a date tonight?

ATTY MATT FOGELMAN: Let's not.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

ATTY MATT FOGELMAN: Do I still want me to give those to you? I should, right?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ATTY MATT FOGELMAN: Thank you.

EXECUTIVE DIRECTOR ELIZABETH LINT: I have one minor matter. You may recall, the situation we had with Suvaai up at 2378 Mass Ave, and they finally had everything straightened out, came to pick up their CV license and bounced the check.

So we sent them a letter telling them that it was -- it bounced because the account had been closed that the check was written on, so we advised them, said if they didn't pay December 7 at 4 p.m., they needed to be here tonight, so ...

ACTING CHAIR ARTHUR GOLDBERG: Did they

pay by December 7?

EXECUTIVE DIRECTOR ELIZABETH LINT: They have not paid, which is why I'm bringing it up.

Basically, once again, they're without a CV because they didn't pay for it.

ACTING CHAIR ARTHUR GOLDBERG: Are they operating without a CV?

EXECUTIVE DIRECTOR ELIZABETH LINT: They're operating.

ACTING CHAIR ARTHUR GOLDBERG: Do they have the CV under the prior name, though, that's still in effect?

EXECUTIVE DIRECTOR ELIZABETH LINT: No. It was a new CV that they picked it up and check bounced.

ACTING CHAIR ARTHUR GOLDBERG: A new CV and they have not paid?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

FIRE CHIEF GERALD REARDON: I would make

a motion that we close them.

Send them notice that they cannot operate any longer without a CV.

EXECUTIVE DIRECTOR ELIZABETH LINT: Can I suggest that we have Henderson give them a cease and desist.

FIRE CHIEF GERALD REARDON: That would be appropriate.

POLICE COMMISSIONER ROBERT HAAS: And reschedule it for the January 5th hearing?

FIRE CHIEF GERALD REARDON: No, 28th.

EXECUTIVE DIRECTOR ELIZABETH LINT:
That's a Decision Hearing.

FIRE CHIEF GERALD REARDON: That's right.

ACTING CHAIR ARTHUR GOLDBERG: So the License Commission investigator can give them a notice they must cease operations until they have their license.

EXECUTIVE DIRECTOR ELIZABETH LINT: Until

it's paid in cash.

POLICE COMMISSIONER ROBERT HAAS: So they can just go ahead and pay for the license and then they can resume operation then and they don't need to come before us at another hearing?

EXECUTIVE DIRECTOR ELIZABETH LINT: That's correct.

POLICE COMMISSIONER ROBERT HAAS: I -- they didn't respond at all?

EXECUTIVE DIRECTOR ELIZABETH LINT: They did not.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ACTING CHAIR ARTHUR GOLDBERG: And so the letter that would go from Mr. Headley, would have a deadline on it?

EXECUTIVE DIRECTOR ELIZABETH LINT: Yes.

ACTING CHAIR ARTHUR GOLDBERG: And what sort of deadline would we be --

EXECUTIVE DIRECTOR ELIZABETH LINT: 24

hours.

ACTING CHAIR ARTHUR GOLDBERG: Pay within
24 hours?

FIRE CHIEF GERALD REARDON: Then I would
recommend we bring them in for a disciplinary in
regard to them ignoring the notice as well.
It's not just a bad check. They failed to show
again.

POLICE COMMISSIONER ROBERT HAAS: Do you
want to make a motion?

FIRE CHIEF GERALD REARDON: I make a
motion that we have the license inspector issue a
cease and desist order to them for lack of
payment, so they have no valid CV, and at the
same time, schedule them for a disciplinary
hearing subsequent to whether they pay or not.

POLICE COMMISSIONER ROBERT HAAS: So the
cease and desist will remain in effect and they

have a 24-hour period to make payment, right, in order to reestablish operations, right?

ACTING CHAIR ARTHUR GOLDBERG: And if they don't, it would remain in effect.

POLICE COMMISSIONER ROBERT HAAS: Remain in effect, right.

But then would they -- at some point later on if they decide to pay it, then keep it open at that point in time?

ACTING CHAIR ARTHUR GOLDBERG: I think that would be --

POLICE COMMISSIONER ROBERT HAAS: Well, if you're gonna give them -- if you give them 24-hour notice, a requirement to pay, if they exceed that, then what happens?

FIRE CHIEF GERALD REARDON: Then they don't have a CV. They have to come back in and apply for something. I don't believe we should give it back to them until they come back in

before the Board.

POLICE COMMISSIONER ROBERT HAAS: I'm trying to figure out the purpose of the 24-hour requirement to pay and if they exceed that, then --

EXECUTIVE DIRECTOR ELIZABETH LINT: They bounced the check dated November 16, so they've already had another month.

POLICE COMMISSIONER ROBERT HAAS: Sure. So they have been operating without a CV, they have not responded to your correspondence?

EXECUTIVE DIRECTOR ELIZABETH LINT? No.

ACTING CHAIR ARTHUR GOLDBERG: Do you know who wrote the check?

EXECUTIVE DIRECTOR ELIZABETH LINT: I don't have the copy of it here.

FIRE CHIEF GERALD REARDON: So issue the cease and desist and they don't pay within the 24-hour allowable time, that they remain

closed until such time as they come in for a hearing.

POLICE COMMISSIONER ROBERT HAAS: Okay.

ACTING CHAIR ARTHUR GOLDBERG: Okay.

Second?

POLICE COMMISSIONER ROBERT HAAS: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

FIRE CHIEF GERALD REARDON: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Motion to adjourn.

FIRE CHIEF GERALD REARDON: Second.

ACTING CHAIR ARTHUR GOLDBERG: All in favor?

POLICE COMMISSIONER ROBERT HAAS: Aye.

ACTING CHAIR ARTHUR GOLDBERG: Aye.

FIRE CHIEF GERALD REARDON: Aye.

(Meeting was adjourned.)

ERRATA SHEET

INSTRUCTIONS: After reading the transcript, note any change or correction and the reason therefor on this sheet. Sign and date this errata sheet.

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I have read the foregoing transcript, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

CERTIFICATION

Commonwealth of Massachusetts

Norfolk, ss.

I, Jill Kourafas, a Notary Public in and for the Commonwealth of Massachusetts, do hereby certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of December, 2015.

Jill Kourafas
Certified Shorthand Reporter
License No. 14903
Notary Public

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME IN ANY RESPECT UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER

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